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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 370

CHEROKEE FREEDMEN R361 - R395

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
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Cher. Fr. R-361

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Cher. Fr. R-361

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SEMINOLE, I.T., JUNE 11th, 1901.

In the matter of the application of Permelia Rowe for the enrollment of herself and three children as Cherokee freedmen, said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Wallace & Smith, for Applicants.
Mr. J. B. Davenport, for Cherokee Nation.

Q What is your name? A Permelia Rowe.
Q How old are you? A I am about 58 or 59 as near as I can guess.
Q What is your post office? A Ketchum, I. T.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I got three children. (Hands COM'r paper.)
Q Your first named Nancy? A Yes, sir.
Q Is she 16 years old? A Yes, sir.
Q What is the next one named? Selina.
Q How old is Selina, about 14? A Yes, sir.
Q What is the next one named? A Colie.
Q Is that a boy or girl? A Boy.
Q How old is Colie, about 12? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Yes, sir, it ought to be on the Wallace Roll and Kern-Clifton roll.
Q Is not on the 1880 roll? A No, sir, my father's is on the 1880 roll.
Q What is your father's name? A Colie Jones.
Q Is he living? A No, sir, he is dead.
Q What was your mother's name? A Phillis.
Q Phillis Jones? A Went by the name of Phillis Mayfield.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Jesse Rowe.
Q Is he living? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q You don't apply for him? A No, sir, he belonged to the Cherokees.
Q Were you ever married before? A No, sir.
Q Jesse Rowe your first husband? A Yes, sir.
Q Is he the father of these three children? A Yes, sir, father of all my children.
Q Where were these children born? A Born in Texas.
Q Were you married in Texas? A Yes, sir.
Q To Jesse Rowe? A Yes, sir.

BY MR. SMITH:

Q How old are you, did you say? A I am about 58 or 59.
Q Were you born a slave? A Yes, sir.
Q Whose slave were you? A Sallie Mayfield.
Q Was she a Cherokee ? A Yes, sir.
Q Live in the Cherokee Nation? A Yes, sir.
Q Citizen of the Cherokee Nation here? A Yes, sir.
Q Where were you during the Civil war? A I was in Texas. They carried me from here to Texas, my former owners.
Q When did they carry you to Texas? A They carried me out when I was small.
Q Was was that now, the Mayfields? A Yes, sir, Sallie Mayfield and Jess Mayfield, her husband.
Q How long did you , and you been down in Texas when the war came,

married? A I don't know, sir, I have no knowledge of how long I had been there.
Q Where did this Sallie Mayfield live before she went to Texas, what part of the Cherokee Nation? A She lived in Flint district.
Q Was she married? A Yes, sir.
Q Who was her husband? A Jesse Mayfield.
Q How old were you when they took you to Texas? A I don't have any knowledge how old I was; I was small.
Q Well, do you know or have any knowledge of how long you stayed in Texas? A Yes, sir, been in there all the time until in '66, I came; my Mistress taught me my father was living and for me to come and hunt him up and I came to ~~[illegible]~~ and hunted him up.
Q Where did you go in 1866 to the Cherokee Nation? A Yes, sir.
Q What part of the Cherokee Nation? A Down here to Sequoyah.
Q How long did you stay down in Sequoyah? A I stayed down there about two or three weeks and there was such a trouble, killing, and we being in a growing condition and I turned and came back before I found my father and just wrote him to hunt him let him know I had been on the brink of life.
Q And where did you go? A I went to Texas to my husband.
Q Then when did you, how long did you stay in Texas?
A I stayed there all the time until about 12 or 13 years ago I moved and settled down.
Q Were you married in 1866? A Yes, sir, I was married.
Q Who were you married to? A Jesse Rowe.
Q Your present husband? A Yes, sir, ain't been married but once. He was a Missionary and he pledged himself to serve so long in the Missionary field and when I came out and I would not agree to leave him and come back; I just wrote to my father and he started me a claim.
Q Now, then, Sallie Mayfield, when she went to Texas before the war, had she abandoned the Cherokee Nation; did she sell out up here? A No, sir, she hadn't sold out; so they told me, I was just going by what I heard.
Q You know where they lived when they lived in the Cherokee Nation here? A I heard them say they lived in Sequoyah District, in Flint District.
Q Did you have any recollect yourself of the place where you lived before you went to Texas? A No, sir, I was too ~~[illegible]~~ small.
Q How, your husband, Jesse Rowe, was he a slave? A Yes, sir.
Q ~~[illegible]~~ Did you know him before the war? A I knewed him in the time of the war? A
Q Whom did he belong to? A George Starr
Q Was George Starr an Indian? A Yes, sir.
Q Where is your husband, Jesse? A I don't know whether he is on the ground or not; he was talking about going off a ~~[illegible]~~ picking to-day, I don't know whether he went off or not.
Q Have you any children? A Yes, sir.
Q Are they of age or younger? A Yes, sir, I got three heirs of age.
Q Are they all Jesse Rowe' children? A Yes, sir, every one of them Jesse Rowe' children.
Q Where were you and Jesse Rowe married? A In the State of Texas
Q Have all these children been born to you since you have been married to Jesse Rowe? A Yes, sir.
Q When did you last see your Mistress, old Mistress?
A She has been dead; I seed her the time her I came out here she was in Texas.
Q Did you ever see her after you went back to Texas?
A When she went home?
Q I mean, now, when did you mean that you saw her, before you came out here the last time or first time? The last time; my children, washed clothes for her.
Q When did you last see her husband? A Old Jesse Mayfield, well he has been dead a heap too long to talk about; too long to me to

recollect, it has been a long time. I wasn't grown good when he died.
Q Where did this George Starr who owned Jesse, where did he live?
A I think he lived in Flint.
Q Have you ever seen him or known of his people since you came back to the Cherokee Nation? A No, sir, none but his daughter Mary.
Q What is her name now? A Mary Bell.
Q Is she the wife of Hesley Bell? A Yes, sir.
Q Was she the one that owned your wife, Jesse? A Yes, sir, her father.
Q Well, have you any witnesses here. A Yes, sir.
Q Who? A Brother Jack Jones and Sam McNair and Peter Williams and Charles Mayfield.

BY COM'R MERRILL:

Q Now, Mrs. Rowe, you say you were taken to Texas when you were a child? A Yes, sir.
Q By Mrs. Mayfield, your Mistress? A Yes, sir.
Q Did they live in Texas all the time you did, your owners?
A Yes, sir.
Q Did they ever come back to the Cherokee Nation? A Yes, sir, passed back to my knowledge once or twice as far as I can recollect
Q You say that 12 or 13 years ago you came up here to hunt up your father? A Yes, sir.
Q You had been married? A No, I come in '68 on the hunt of my father.
Q You were married then? A Yes, sir.
Q And had children? A Yes, sir.
Q Did you bring your family with you when you came up?
A No, sir.
Q Did you find your father? A No, sir.
Q Then you went back to Texas? A Yes, sir.
Q And when did you bring your children were with you and your family, 12 or 13 years ago? A Yes, sir.
Q And you have been living here ever since that? A Yes, sir.
Q When did your husband go back to Texas? A Since he has been back here?
Q No, when he originally first went? A He was small himself.
Q And you found him down there and married him? A Yes, sir.
Q So you actually never lived yourself in the Cherokee Nation until 12 or 13 years ago? A No, sir.
Q You come up in 1868 hunt to find your father? A Yes, sir, I just wrote to my father to find me a claim and I send my children back and they worked it.
Q But you didn't find your father? A No, sir.
Q Were your owners in Texas all the time you were? A Yes, sir.
Q Did you live there on a plantation? A Yes, sir.
Q Citizen of Texas? A Yes, sir.

BY MR. DAVENPORT:

Q They went there about 1847? A Yes, sir I can't tell that.
Q They were living there when the war broke out?
A Yes, sir.
Q You and Jesse were born there at that time? A Yes, sir, around up near about the same age.

BY COM'R MERRILL:

Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir, it is on the Kern-Clinton roll.
Q Did you draw money at that time? No, sir, it ought to be on the Wallace roll.

Permanente Home, on oath:

Q. Do you have any money from my right? A. No, sir.
Q. Are you married or any of your children? A. No, sir; my father is in the [illegible].
Q. Did you ever [illegible] to be married to a [illegible]? A. Yes, sir; this makes three times I have been across the Canal.
Q. Did you ever apply at Tahlequah before the Court down there?
A. No, sir.
Q. You were before the Wallace Commission and the Dawes Court and take Court? A. Yes, sir.

The Jesse Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant name not found thereon.

The Dawes-Clifton and Wallace Rolls of Freedmen of the Cherokee Nation examined and applicants names not found thereon.

PETER WILLIAMS, being sworn and examined by Commissioner T. B. Needham, testified as follows:

BY MR. SMITH:

Q. State your name. A. Peter Williams.
Q. How old are you? A. I may not give in my age exactly but I am about 60.
Q. Do you know Permelia Ross, this applicant, here?
A. I saw her in Fort Gibson, worked on a ranch at Fort Gibson, I am a blacksmith, in 96.
Q. Well, she was with her? A. I presume it was her, that is the first time I seen them.
Q. Did you know her before the war? A. No, sir, I didn't know her before the war.
Q. Did you know Ann Hardridge, Celia Hardridge and Jesse Hardridge?
A. No, I didn't know them.
Q. Do you know Jesse Ross, the husband of Permelia? A. Yes, sir, I knew him; he is the one that came to my shop with his wagon.
Q. Do you know anything about who Jesse Ross belonged to, or if he was a slave before the war? A. Well I don't know it, sir, exactly, no more than the rolls.
Q. You didn't know him before the war? A. No, I have seen him passing, as I did, more exactly on the rolls.
Q. Do you know Johnson Ross too? A. Yes, sir.
Q. What is he? A. Preacher? A. Minister, has been for quite a while.

BY MR. A. DUNLAP:

Q. You saw these Ross's you say in 1900? A. Yes, sir.
Q. Was his wife with him? A. His wife was with him, but just I don't recall well; I don't know exactly if was his wife, but I saw them pass, together they was up to my blacksmith shop.
Q. In Fort Gibson? A. Yes, sir.

TACK JONES, being duly sworn by Commissioner T. B. Needham, testified as follows: BY MR. SMITH:

Q. State your name. A. Tack Jones.
Q. How old are you? A. 58.
Q. Do you know Jesse Ross? A. Yes, sir.
Q. Do you know her husband, Jesse Ross? A. Yes, sir.
Q. Do you know Permelia Ross, this applicant?
A. This is my sister.
Q. Permelia is your sister? A. Yes, sir.
Q. Are you a citizen of the Cherokee Nation? A. Yes, sir.
Q. Are you on any of the rolls? A. Yes, sir.
Q. What rolls? A. Dawes roll.

Testimony taken, et al. vs.

Q. Were you a slave? A. No, sir.
Q. Who was your husband? A. Julie Jones.
Q. Who was your mother? A. Mary Jones.
Q. Were they slaves? A. Yes, sir.
Q. When did they belong to? A. My father belonged to Judge Adair; and my mother belonged to Burlington.
Q. Will you be seventy-six in August? A. Old in June.
Q. Who was her mother? A. I didn't know her mother.
Q. Was a Alligrandes mother from Texas? A. Yes, sir.
Q. Then she is your half sister? A. Yes, sir.
Q. How old did you say you were? A. 29 years old.

BY COURT REPORTER:

Q. When did you first see her? A. 1899.
Q. When she came from Texas? A. Yes, sir.
Q. You never saw her in Texas? A. No, sir.

CHARLES MAYFIELD, being duly sworn and examined by Counsel Omer C. Tendler, testified as follows: BY MR. SMITH:

Q. What is your name? A. Charles Mayfield.
Q. Where do you live? A. On Grand River.
Q. How old are you? A. About eighty odd, about 86 or 7.
Q. Were you a slave during the war? A. Yes, sir.
Q. Who did you belong to? A. Mayfield.
Q. Which Mayfield? A. Walker Mayfield.
Q. Did you know this applicant, Permelia Berry, this woman?
A. Well, I recent, well acquainted with her, and lived in Texas and think we all belonged to the same association of white people.
Q. What relation was she to her owner to your owner?
A. I think she was Walker Mayfield's sister.
Q. What were the owners of Permelia, what were their names?
A. Jim, Jim, and Mary.
Q. Would you know the names if you were to hear them? A. Yes, sir.
Q. Was it Mahala? A. Yes, sir.
Q. And Jesse? A. Yes, sir.
Q. Do you know what relation they were to the Mayfields that owned you? A. They were cousins, for the Mistress, Walker Mayfield's wife's sister.
Q. Have you any recollect when her owners went to Texas, Jesse and Sallie? A. No, sir.
Q. Did you know them yourself in the Cherokee? A. No, sir, not since they returned.
Q. When did you know Uncle Jesse and Sallie Mayfield?
A. Oh, 79?, sir.
Q. Where did they live; did they ever live in the Cherokee Nation?
A. Yes, sir.
Q. Where? A. In Flint District, or Going Snake.
Q. Have you any recollection of the place where they lived?
A. No, sir, not exactly; but it was in Flint; almost all her folks lived hudding by where hereabout.
Q. Well, did you ever see this Permelia Mayfield in the Cherokee after the war and before she went down to Texas? A. I don't know.
Q. When did you first see her in the Cherokee Nation; when did you first know she was with? A. I first saw her at Tahlequah in 68; when she had been there.
Q. Well, after that when did you see her? A. When she came back to her father's and her folks; we came out very far apart she always lived near.
Q. That is a long time, going 1868? A. Yes, sir.
Q. Do you know what her father got mad of and he met during the war? A. Not, sir. I am not able to say; he was prowling around back

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Yes, sir. A. Never been can be remembered. I don't know if he went out on the Cherokee Nation, but he is a children born in 1898.
Q. Do you know Jesse Rowe, the husband of Cornelia? A. Yes, sir.
Q. How long have you known Jesse? A. For the last 50 years.
Q. Do you remember Jesse's occupation? A. Farmer.
Q. Do you know what tribe he belong to? A. Cherokee.
Q. Do you know what tribe belong to the husband of Cornelia Rowe? A. Cherokee.
Q. Do you know what do you have in the Baptist Church? A. We have a kind of conference, we belong to it.
Q. Do you know how long he has been a regular preacher? A. I don't know, he preached in Texas and then preaching out here; they went back of from here and back to Texas.
Q. Do you remember a Negro boy named Rowe or call that to you? A. Yes, sir.
Q. Where does he live? A. Grand River.

By Mr. DAVENPORT:

Q. You never seen this woman or her parents either before the war broke out did you? A. No, sir.
Q. You don't know where they were living? A. No, sir.
Q. You don't know where her folks were living among that very good Indian in that locality? A. They were living in Texas.
Q. Now, have you ever seen this woman up at Gibson, she was with some Rowe? A. No, sir, there was another man with her.
Q. You never knew when she came back to the Cherokee Nation?
A. No, sir.
Q. You lived in the several years? A. Yes, sir.
Q. Lived here 70-75 years ago? A. Yes, sir.

COLUMBUS McNAIR, being sworn up from witness L. B. Meadows, testified as follows: DIR

By Mr. SMITH:

Q. State your name? A. Columbus McNair.
Q. How old are you? A. 57 years of age.
Q. Where do you live? A. Lives at Tahlequa.
Q. Do you know this applicant, Permelia Rowe? A. Yes, sir.
Q. How long have you known her? A. Oh, I have known her I guess ever since the war.
Q. When did you first see her after the war? A. Oh, I the first time I saw her after the war was when she came up on Grand River.
Q. Do you know her husband, Jesse Rowe? A. Yes, sir.
Q. Did you know him before the war or afterwards?
A. I knew him at the time of the war.
Q. When did you first see him in the Cherokee Nation after the war?
A. When he first came up on Grand River.
Q. How long after the war? A. I do not remember how long, it had been about 14 or 15 years, I guess; as near as I could guess at it.
Q. Did you know where he belonged to, pre-war the war? A. Yes, sir.
Q. Was Permelia Rowe an Indian? A. Yes, sir.
Q. Cherokee Indian? A. Yes, sir.
Q. Where did he live before the war? A. Then I got acquainted with him he was living in Texas.
Q. Did you ever know George Rowe to live in the Cherokee Nation, or did he never live in the Cherokee Nation? A. I have heard him live in the Cherokee Nation since the war.
Q. How long that George Rowe been in the field of Texas when the war broke out? A. I am not able to tell you.
Q. Did you see him in Texas before the war?

Q [illegible] your [illegible] when the war commenced?
A [illegible]
Q Do you know where Jesse Howe was [illegible]?
A No, sir.

[illegible] BY COMM. [illegible]:

Q Mrs. Howe, was [illegible] when you came [illegible]?
A No, sir. I was [illegible] partly raised off from my husband, he was out [illegible] in [illegible]
Q You say your [illegible] came [illegible]? A Yes, sir.
Q [illegible] to the [illegible]?
A By [illegible]
Q [illegible] returned? A [illegible]
Q Where did she die? A It [illegible] out in the papers, I don't know where she died.
Q You don't know whether she was ever readmitted to Cherokee [illegible]? A No, sir.
Q You don't know anything about that? A No, sir.
Q Did Gallie have any children, Gallie Hagfield?
A Yes, sir.
Q Did they ever come back? A Some of them came back.
Q Did some of them did not? A Yes, sir, they would come here and go back.
Q You knew your old Master [illegible] in Texas didn't you?
A Yes, sir.
Q He had a farm down there? A Yes, sir.
Q Did he ever hold any office down there among those people?
A No, sir, not as I know of.
Q Well, at the time your husband was preaching over the country he had a home with you in Texas? A Yes, sir; we just rented white folks' land.
Q Lived there? A Yes, sir, but my husband came back here, I think they said in '67.
Q Did he bring you with him? A No, sir.
Q He came up here preaching? A Yes, sir.
Q And went back to Texas? A Yes, sir.

BY MR. DAVENPORT:

Q You and your family moved about ten or twelve years ago to the Nation, wasn't Selbie your kind living in and near Overton in Texas, when you and your family came from Texas; wasn't she living in or near Overton, in the state of Texas? A She came from here and went to Overton.
Q Wasn't she living there? A Yes, sir, she came back here.
Q Wasn't that her home and wasn't her children living there?
A I told you as near as I can, she came here in the spring and in the fall she would go back to Texas; that is the way she done.

BY COMM'R FOWLER:

Q You never drew any money for any of the children did you?
A No, sir.
Q Her youngest [illegible]? A [illegible]

COMM'R FOWLER: Permelia Howe applies for the enrollment of herself and her three children, to-wit: Nancy, Selina and Julia. Their names do not appear upon any of the rolls of the Cherokee Nation now in the possession of the Commission, after a thorough examination and they cannot be found there. She avers that she was a slave of Gallie and Jesse Hagfield, who resided with her in the State of Texas, [illegible] child and she grew up in the [illegible] Jesse Howe, who claimed to be [illegible]

Permelia Rowe, et al.--8.

Cherokee Freedman. She avers that in 1866 she came to the Cherokee Nation in search of her father, leaving her family at home and returned. She avers that her said children were all born in the State of Texas and that she returned with her family 12 or 13 years ago, and has been living in the Cherokee Nation ever since. The testimony fails to show that the applicant returned in the year 1866 with her family and that although she herself came into the Cherokee Nation in 1866 for a short time and returned to Texas, the testimony fails to show that said return was in accordance with the spirit or either the or letter of the previsions of the treaty of 1866 permitting Cherokee Freedmen who return within the time specified to become citizens of the Cherokee Nation, but under the circumstances the said Permelia Rowe and her three children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card, because of the fact that the testimony in her case has not all been presented, by her attorney asserting that he has three witness that he desires to introduce. The final decision of the Commission will be made known to the applicant at her post office address.

---oooOOOooo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this [illegible] day of June, 1901.

Commissioner.

Q. Whenever came here at first? A. Yes sir, I brought her first.
Q When? A. In '78 or '80?
Q Was she married then? A. No sir, she married after she went back to Texas?
Q She lived and died there after marrying? A. Yes sir.
Q How long have these children been in the Cherokee Nation? A. Ten years old.
Q You brought them here with you? A. Yes sir you brought your wife? A. Yes sir
Q How old was Lizzie when she came here with you? A. Must have been about 14 or 15 years old? She was born in '65.
Q What year was she married? A. I dont remember.
Q How old was she when she married? A. I dont remember.
Q How old was she when she died? A. She died in 190 and she was born in '65 in August.
Q She was 26 years old when she died? A. Yes sir.
(By Davenport)
Q The mother of these children was born in Texas? A. Yes sir.

By Com'r Needles,

Jesse Rowe applies for himself and four grand children, Adamiah, Alverta, Pearle and Clifford Seals; his name is not found on any of the rolls of the Cherokee Nation now in the possession of this Commission; he avers that he was a slave of Dick Rowe, who was a Cherokee citizen; he avers that he was taken to Texas by one George Starr, having been turned over to the said Starr by Dick Rowe for a debt. He avers that he returned to the Cherokee Nation in January of '67 and returned to Texas in a few weeks; that he remained in Texas until 1879 or 1880 and then brought his children to the Cherokee Nation and returned again to Texas where he and his wife remained until 1890 at which time he and his wife came to this country to live; he avers that his oldest child was named Lizzie, that she was born in the State of Texas, married there to one Seals and died there when she was 26 years of age; that there were born to her the four grandchildren of the applicant now applies for, said children having been born in Texas, but now live with the ap-

To be filed with the case [illegible] Rose, C.R. 1. 641.

[illegible]

Pollette & Smith for the applicants.
Jas. Davenport for the Cherokee Nation.

In the matter of the application of Jesse Rose for the enrollment of himself and four grandchildren as Cherokee freedmen, he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Jesse Rose.
Q What is your age? A. I think I am 45.
Q What is your post office address? A. Ketchum.
Q In what district do you live? A. Delaware.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A Myself and four grand children
Q What are their names? A Adelaide Seals.
Q How old is she? A. 15 years.
Q Next? A. Alverta Seals.
Q How old? A. 13 years.
Q Next? A. Pearle Seals
Q How old? A. 14 years.
Q Next? A. Clifford Seals.
Q How old? A. 12 years.
Q Who is the father of these children? A. Jessie Seals.
Q Is he alive? A. I don't know.
Q What was their mother? A Lizzie Seals.
Q Is she alive? A. No sir.
Q Where are these children now? A. Living with me.
Q You have them in your possession now? A. Yes sir
Q You say you are the grandfather of them? A. Yes sir, they are my daughters children.
(By Smith)
Q How long have you lived at Ketchum? A. On or 10 years.
Q Have you lived there all that time or have you been out some? A. I visited in Texas some.
Q What is your occupation? A Minister.
Q How long have you been a minister? A. 58 years.
Q What church do you belong to? A. The Missionary Baptist.
Q Wherewere you born? A. Canadian district, Cherokee Nation on Grand river.
Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Dick or Dave Rose.
Q Was he a Cherokee Indian? A. Yes sir.
Q Where did he live? A. On Spring Creek in Canadian district, so they told me.
Q Where were you when the Civil war commenced? A. In Texas.
Q Who took you there? A. My master at that time was George Starr.
Q Was he an Indian? A. Yes sir.
Q Where did he take you from? A. Flint District, I am told.
Q Had he ever lived in the Cherokee Nation himself? A. Yes sir.
Q How old were you when you were taken to Texas? A. Quite a young boy, I didn't know how old I was.
Q What became of George Starr? A. Died.
Q Where did he die? A. In the Cherokee Nation.
Q He came back here did he? A. Yes sir.
Q Was Dave Rose here when he died? A. Yes sir.
Q You were a child when you were taken away? A. Yes sir.
Q When did you first come here after the war? A. In the winter of 67.
Q What time of the winter? A. January, I left there Christmas and got here after Christmas.
Q Where did you come to? A. I suppose it was Fort Gibson, but I didn't really know where I first came up.
Q How long did you stay there? A. Not a short time.
Q About how long? A. Somewhere between six weeks and two months.

Q What age were you then? A. 17 or 18 years old, my master told me in '62 as best I can recollect that I was 14 years old then.
Q Where did you go after that? A. Home, went home in March.
(By the Commission)
Q What do you mean by HOME? A. Be my master's in Texas'
(By Smith)
Q Your master had not returned then? A. No sir.
Q When did he return? A. In the winter or fall of '67 or '8
Q When did you come here next? A. In '70.
Q When did you get married? A. In '68 that is how I come to remember my age, my master made fun of me and told me I wasn't but 14 years old and too young to marry.
Q How old was you when you commenced preaching? A. 18 or 20, just after the war I commenced to preach, I reckon you would call it preaching: time of the war I was out to services and learned to pray and talk and the people then called it preaching.
Q How long did you stay here when you came the second time? A Just a little while.
Q What did you do when you were here? A I stopped here just this side of Fort Smith in Sequoyah district knocking around there and then went back to Texas.
Q When did you ever come back to the Cherokee Nation after that? A. The next time must have been in '79 or '80 I brought my children out here, my father in law was in Sequoyah and I brought my children out here then.
Q Where was your wife up to '79? A In Texas with me sir.
Q Are you still preaching? A. Yessir.
Q How do you preach, in other words, in what places? A. I have three churches.
Q Is there any rule or regulation in your church as to how and where you are to preach, or do you go where ever you want to? A We are called by the voice of the church, the majority of the members govern that.
Q The Methodists have of Conference, what do you have? A. Associations
Q Is that similar to the Conference of the Methodists? A Not exactly
Q What do you have in place of Bishops? A Missionaries.
Q What are you? A. I was a Missionary when I was in Texas, I am Moderator now.
(By the Commission)
Q You are not called to any particular church now? A. I am the presiding officer or Moderator of the churches in this district now.
Q When to become the ~~man~~ Minister of a church you are called there by the members of that church? A. Yes sir.
Q And not by a general conference? A. No sir.
Q That is the difference between the Methodists and Baptists in selecting their ministers? A. Yes sir.
(~~By Davenport~~)
Applicants not found on any of the Cherokee rolls now in the possession of this Commission.
(By Mr. Davenport)
Q When did your master, George Starr go to Texas? A. I don't know.
Q Was you born before he went there? A. Yes sir I was born before he took me there; my understanding is that my master Dave Rowe was a very wild and reckless man and owed a great deal of money and we got sold off, and George Starr got us and took us to Texas.
Q You were in Texas several years before the war? A. Yes sir.
Q When you brought your family to the Cherokee Nation to live it was in '79 or '80, you brought your children here then? A. Yes sir.
(By the Commision)
Q Have you and your family lived continuously in the Cherokee Nation since that time? A. My children have, I brought my wife here in '80, I kept her with me in Texas up to then.
Q Was you a slave of Dave Rowe first? A I was born his slave.
Q How did you get into the hands of George Starr? A. For a debt.
Q Are these four children living now? A. Yes sir.
Q Where were they born? A. In Texas.
Q Is their mother living? A. No sir.
Q Did she die in the state of Texas? A. Yes sir.

-2-

Q She never came here at all? A. Yes sir, I brought her first.
Q When? A. In '72 or '73.
Q Was she married then? A. Later, she married after she went back to Texas.
Q Was lived and died there? A. Yes sir.
Q How long have these children been in the Cherokee Nation? A. Ten years sir.
Q You brought them here when you came, you brought your wife? A. Yes sir
Q How old was Lizzie when she came here with you? A. Must have been about 14 or 15 years old. She was born in '85.
Q What year was she married? A. I dont remember.
Q How old was she when she married? A. I dont remember.
Q How old was she when she died? A. She died in '00 and she was born in '85 in August.
Q She was 20 years old when she died? A. Yes sir.
(By Davenport)
Q The mother of these children was born in Texas? A. Yes sir.

By Com'r Needles,

Jesse Rowe applies for himself and four grand children, Adeniah, Alverta, Pearle and Clifford Seals; his name is not found on any of the rolls of the Cherokee Nation nor in the possession of this Commission; he avers that he was a slave of Dick Rowe, who was a Cherokee citizen; he avers that he was taken to Texas by one George Starr, having been turned over to the said Starr by Dick Rowe for a debt. He avers that he returned to the Cherokee Nation in January of '67 and returned to Texas in a few weeks; that he remained in Texas until 1879 or 1880 and then brought his children to the Cherokee Nation and returned again to Texas where he and his wife remained until 1890 at which time he and his wife came to this country to live; he avers that his oldest child was named Lizzie, that she was born in the State of Texas, married there to one Seals and died there when she was 26 years of age; that there were born to her the four grandchildren of the applicant now applies for, said children having been born in Texas, but now live with the applicant in the Cherokee Nation. The attorney for the applicant asks that said applicant, Jesse Rowe and he four children applied for, be placed on a doubtful card for further consideration, stating that there may be other testimony taken in connection with this case, and asks that this testimony may be made a part of the application of Parmelia Rowe on Cherokee Freedman D. Card #881. At the present time the Commission cannot see any ground for placing the applicant and his four grand children on a doubtful card even, but it will be done at the request of the attorney for the applicants; therefore the said Jesse Rowe and the four grand children mentioned herein will be listed for enrollment as Cherokee freedmen on a doubtful card and when the final decision is arrived at by the Commission he will be notified by mail.

It is further ordered that a copy of this testimony be filed in the case of Parmelia Rowe, C. F. D. #881.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 17th of August, 1901.

Commissioner.

File with the case of Permelia Rowe et al., 881

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 15th 1901.

In the matter of the application of Permelia Rowe, C. N. D. 881.

SUPPLEMENTAL TESTIMONY.

Appearances:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

James M. Bell, being first duly sworn before Com'r Tn B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A James M. Bell.
Q How old are you? A 69.
Q Where do you live? A Delaware district, Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Ever since 1839
Q Have you ever been outside of the Cherokee Nation and if so, where? A My father moved to Texas in '47 to Rusk county.
Q When did you return from Texas? A In '53, after his death.
Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first got acquainted with her? A In the Cherokee Nation.
Q Did she ever live anywhere except in the CherokeeNation? A She moved to Texas.
Q When did she move to Texas? A In '47.
Q How long did she live in Texas? A She lived there until after the war.
Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
Q Do you know the names of any of them? A No sir.
Q Do you know Permelia Rowe? A No sir.
Q Do you know Jess Rowe? A Yes sir.
Q Where did you know him? A In Texas.
Q Did he have a wife at that time? A I dont know exactly about that.
Q Did you ever know a colored woman that belonged to Aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.
Q Where was she when you knew her? A In Texas. She was cooking there
Q Was that before or after the war? A That was before and after both.
Q Where was Aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
Q Do you know what year Aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.
Q Who did Jess Rowe belong to? A George Starr.
Q Where did he live at the breaking out of the war? A In Texas, Rusk County.
Q When did he go to Texas? A In '47, my father's family went with him.
Q Did he have Jess Rowe with him when he went there? A Yes sir, that is my impression—he was there and grew up there.
Q Do you know anything about where Jess was at the close of the war? A No sir, I am not certain where he was then.
Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
Q What year was that? A '47.
Q Had they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.
(By Smith)
Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens, I think they were considered citizens of Texas.
Q What did they claim, I am not asking you for your opinion? Well

they were Cherokees by blood.
Q They had moved from this country? A Yes sir.
Q And they still claimed to be citizens of this country? A No sir, they voted there to my knowledge.
Q How do you know? A They had elections there and they voted.
Q Did you see them vote? A I dont know as I can specify the time they voted, but they voted.
Q How do you know it? A They were recognized as citizens and paid taxes and were old enough, and every one down there who was old enough, voted.
Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.
Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.
Q Do you know it? A Yes sir as well as I know anything that I didn't see.
Q As well as you know anything that you dont know? A A man knows things sometimes that he dont see.
Q You dont know anything that is in favor of these Indians to you? A If I did and was asked about it I would tell it.
Q Have you ever testified in behalf of a single one of them here? A I have not directly, I have not been called upon.
Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been, and I think I have a right to.
Q You dont really know what these folks did in Texas as to voting or not do you? A I am pretty sure that they voted.
Q You can say if they did or did not?
A I can say they did.
Q Did you see them? A No sir.
Q How do you know them that they voted? A They were citizens there.
Q How do you know that? A They owned property there and were taxes.
Q How do you know that they were taxed? A The assessor went round and taxes everybody.
Q Do you know that George Starr was taxed? A I have every reason to believe that he was.
Q You dont know that Sallie Mayfield was taxed? A I think that they were taxed.
Q You dont know it though? A Well as a man can know it I do.
Q Did they ever come back to the Cherokee Nation? A Yes sir.
Q They were recognized as citizens when they did come back here? A They were re-admitted then.
Q They were recognized then? A Yes sir.
Q You dont know where Jess Rowe was in '66? A No sir.
Q You dont know where Permelia Rowe was in '66? A No sir.
(By Davenport)
Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.
Q You didn't not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

ZEEK STARR, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A Zeek Starr.
Q What is your post office address? A Tahlequah.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Where did you live before you come to the Cherokee Nation? A Texas, Rusk county.

Q What was your father's name? A George Starr.
Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first recollect ? A In Texas.
Q Did she own any slaves in Texas? A Yes sir, several.
Q Do you remember the names of any of them? A Of some of the older ones.
Q Did they own a woman named Phillis? A Yes sir.
Q Did she have any children? A Yes sir I think she had some children.
Q Do you know Jess Rowe? A Yes sir.
Q Who did he belong to? A To my father.
Q Do you know if your father had him with him when he went to Texas in '47? A That is before I recollect.
Q Where was Jess when you could first remember? A He was living there with us in Texas.
Q Who did Phillis belong to? A To aunt Sallie Mayfield.
Q Do you know where Jess Rowe and his family were when the war broke out? A He was living with us when the war broke out.
Q Where were you living at that time? A Rusk County Texas.
Q You were born in Texas, yourself? A Yes sir.
Q Have you seen Jess Rowe since he came to this coutry? A Yes sir.
Q Do you know him to be the same Jess Rowe that belonged to your father in Texas? A Yes sir the same Jess Rowe.
Q Have you seen his wife since he came here? A I guess I have I dont know as I know his wife exactly though.
Q When did you come to the Territory after the war? A In 1868.
Q Where was Jess Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A There.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jess Rowe in this country? A 10 or 11 years ago.
Q Did he have his family with him at that time? A I dont know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the State of Texas I guess.
Q Were you recognized as citizend of the Nation when you came back?
Q He had to be re-admitted as a citizen of the Cherokee Nation on his return is my understanding.
(By Smith)
Q How many slaves did your father have, Mr. Starr? A 50 or 60.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 15 or 16 years old.
Q A Boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A We left Texas in the spring of '68.
Q Were you at home all the time there? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Fairview, close to where we lived I went there one or two sessions and part of the time I boarded with aunt Sallie Mayfield, she lived closed than we did.
Q Where was Jess Rowe when you were boarding with aunt Sallie Mayfield? A At home on our farm.
Q How far was your farm from your aunt Sallie Mayfield's? A Six or seven miles.
Q Did you have any special reason for recollecting Jesse Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
Q As far as Jess Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '55, '6 and '7? A Not by anything particular, but they

was all there like the other slaves and I thought he was there too.
Q Where was Pamelia Rowe? A She was there.
Q Was that Jesse's wife? A I think she was, he married one of aunt Sallie Mayfield's nigrees.
Q Where had your family come from to Texas? A Cherokee Nation
Q They were citizens here? A Yes sir.
Q Did they have any property here? A They sold it I understand and went to Texas.
Q Where had your aunt Sallie Mayfield lived before she went to Texas? In the Cherokee Nation I have been told.
Q Did she ever come back? A Yes sir.
Q They were recognized as citizens here? A She lived here a while and then went back to Texas.
Q She was a Cherokee by blood? A Yes sir.
Q Was your father a Cherokee? A Yes sir.
(By the Commission)
Q Where was Jess born? A I dont know he is older than I am.
Q Was Jess taken to Texas when your father went there? A I suppose he was, I dont know, I was born in Texas in '63.
Q You dont know where Jess was born? A No sir.
(By Davenport)
Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A-
BY MR. SMITH: " The applicant's object to the testimony in to the re-admission for the reason that the record would be better evidence.
(By Davenport of witness)
Q You don't know what took place as to their citizenship? A No sir
Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.
Q When your father came back here did he have any property here? A No sir.
(By Smith)
Q You were born in Texas? A Yes sir.
Q You are a citizen of the Cherokee Nation now? A Yes sir.
Q By blood? A Yes sir.
Q You came here from the State of Texas? A Yes sir.
(By Davenport)
Q Your understanding is that it was after your return that you were re-admitted? A Yes sir.
(By the Commission)
Q How did you get to be a Cherokee citizen if you were born in Texas?
Q After father was re-admitted I suppose the whole family was re-admitted with him.

* * * * * * * * * * * *

This will be filed in Cherokee Freedman cases, D-681; D-682; D-683; D-684; D-685; D-728; D-860; D-1016; D-1014; D-1024 and D-1063.

* * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

[illegible]

Indexed on red jacket.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pernelia Rowe, et al., as Cherokee Freedmen, consolidating the applications of—

Pernelia Rowe, et al.,	Cherokee Freedmen D-881,
Jesse Rowe, Jr.,	Cherokee Freedmen D-882,
Lena Ray, et al.,	Cherokee Freedmen D-883,
Mary Wilson, et al.,	Cherokee Freedmen D-884,
[illegible],	Cherokee Freedmen D-885,
Martha Lyons,	Cherokee Freedmen D-886,
Jesse Rowe, et al.,	Cherokee Freedmen D-887,
Joseph Rowe, et al.,	Cherokee Freedmen D-1916.

-:O:-

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Pernelia Rowe for herself and her three minor children, Nancy, Salome and Collis Rowe; by Jesse Rowe, Jr., for himself; by Arre Ray for herself and her minor daughter, Ina Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Thessie M. Wilson; by Savannah Reese for herself; by Elias Lyons for his wife, Martha Lyons; by Jesse Rowe for himself and his four minor grand-children, Adami, Alverta, Pearley and Clifford Seals, and by Joseph Rowe for himself, his wife, Pollie Rowe, and two minor children, Clarinda, Ora Rowe; [illegible] to the roll of the Loyal Cherokees applicable a Dawes enrollment, which is made a part of the record herein, was filed with the Commission, showing the birth of Lena Rowe. A copy of the testimony taken at different times and places in Cherokee Freedmen D-1916 is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rowe and Pernelia Rowe are husband and wife and that they were at one time the slaves of Cherokee citizens who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Salome Rowe, Collis Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Adami Seals, Alverta Seals, Pearley Seals, Clifford Seals and Joseph Rowe are the children and grand-children of the said Jesse and Pernelia Rowe, have been born since the commencement of the rebellion, and take only such rights as may be possessed by the said Jesse Rowe and Pernelia Rowe; that the applicants, Clarinda Rowe, Ora Rowe and Lena Rowe, are the minor children of and claim their right to enrollment through their parents; that said Joseph Rowe and Pollie Rowe; that the said Pollie Rowe was born since 1866 and is the daughter of and claims her right to enrollment through family [illegible].

It further appears from the evidence herein that neither the said Jesse Rowe nor Pernelia Rowe returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Rosser Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the said Pollie Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1880 enumerated Freedmen Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of [illegible] Lucy Rowe, Nancy Rowe, Milton Rowe, Julia Rowe, [illegible] Rowe, [illegible], Ada Rowe, Ida May, Mary Wilson, Claude Wilson, Joseph Wilson, [illegible] M. Wilson, Savannah [illegible], Lucinda Lyons, [illegible], Annie [illegible], Alberta Poole, [illegible], Clinton [illegible], Joseph Rowe, Polly [illegible], Clarinda [illegible] under the provisions [illegible] approved June 28, 1898, [illegible] should be denied.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed Tams Bixby,
Chairman.

Signed T. B. Needles,
Commissioner.

Signed C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,

APR 20 1907

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Pernelia, Rowe,
Ketchum, I. T.
Cherokee, F-D-681.
Register.

[illegible]

[illegible] day of [illegible] A. D. [illegible]

Given under my hand this [illegible]

day of [illegible] A. D. [illegible]

[illegible]

Marshal of the [illegible] District.

I, the undersigned [illegible] for the within named [illegible] service of the [illegible]

[illegible] day of [illegible]

[illegible]

Attorney [illegible]

UNITED STATES OF AMERICA,
IN THE [illegible] COURT,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to [illegible]

[illegible]

on the [illegible] day of [illegible] A. D. 190[illegible]

[illegible]

Subscribed and sworn to before me this [illegible]

[illegible]

DEPARTMENT OF [illegible] [illegible]
COMMISSION [illegible]

FILED
SEP 24 190[illegible]

NOTICE!

IN THE MATTER OF the application of Permalia Rowe for enrollment as Cherokee Freedmen:

Case No. F. D. 681

To Permelia Rowe or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. ~~Nov.~~ 14th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

13. 0.687

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 21 1901
Acting Chairman

ORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 11 1901

Post Office Tahlequah I.T.

District ~~COOWEESCOOWEE~~ Del

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Pernelia Rowe Age 58

Owner's name Sallie Mayfield Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father Lalis Jones — dead Citizenship .....

Mother Phillis " — dead Citizenship .....

Names of Children:

2. Nancy Rowe Year ..... Page ..... No. ..... Dist. 16

3. Sylvia " Year ..... Page ..... No. ..... Dist. 14

4. Lalis " Year ..... Page ..... No. ..... Dist. 12

5. Year ..... Page ..... No. ..... Dist. .....

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist. .....

9. Year ..... Page ..... No. ..... Dist. .....

10. Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

Application made by No. 1 Stenographer J. L. Rosson

Represented by Mellette and Smith

32661

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901
Acting Chairman.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 11th, 1901, in the matter of the application of Permelia Rowe et al for enrollment as Freedmen of the Cherokee Nation.

Attorneys for Applicants.

Cherokee F. #2681.

COPY.

Chareuse Department
D-188.

Muskogee, Indian Territory, May 5, 1904.

Cornelia Rowe,
Ketchum, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself and your minor children, Nancy, Salena and Celia Rowe, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enr. D-188.

COPY.

[illegible]

[illegible], Indian Territory, May 1, [illegible].

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Permelia Rowe et al., including the Commission's decision dated April 20, [illegible], rejecting the applications for the enrollment of Permelia, Denny, Autumn, Colin, Fernie, Joseph, Julia, Clarinda, Ora, Lena and Jessie Rowe Fry, Asbel, Alverta, Pearly and Clifford Seale, Martha Lyons, Arra and Ina Ray, Mary, Claude, Joseph and Vincent E. Wilson and Savannah Lewis as Chickasaw freedmen.

Respectfully,

T.B.Needles.

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enc. D-[illegible].

[illegible]

[illegible]

Muskogee, Indian Territory, May 3, 1904.

[illegible]

[illegible]

[illegible]

[illegible]

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 29, 1904, in the consolidated case of Pohoyoka Hawk et al., rejecting the applications for the enrollment of Franklin, Henry, Jackson, Colin, Jesse, Joseph, Pollie, Elizabeth, Sam, Jane and Frank Hawk Jr., Adam, Alvertha, Pearly and Clifford Shale, Martha Turner, April and Ina Ray, Mary, Glenda, Joseph and Vicenie K. Wilson and Raymond Reed as Chickasaw freedmen.

The findings, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. N-177.

[illegible]

[illegible]

Dear Sir:

[illegible]

Vinita, [illegible]

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1906, in the consolidated case of Permelia Bone et al., rejecting the applications for the enrollment of Permelia, Henry, Nelson, Celia, Jesse, Joseph, Pollie, Florinda, Sam, Lena and Joseph Lane Jr., Annie, Alverta, Pearly and Clifford Lewis, Martha Lynne, Arro and Ina Ray, Mary, Glenia, Joseph and Flossie M. Wilson, and Savannah Boone as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register

Nat. Bdg.

Refer in reply to the following:

Land

Miscellaneous

COPY

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 5, 1906, transmitting for your consideration, the application of Permelia Rowe, et al., consolidating the applications of

Permelia Rowe,	Cherokee Freedman,	D. [illegible]	
Jesse Rowe, et al.,	"	"	D. [illegible]
Alva Ray, et al.,	"	"	D. [illegible]
Mary Wilson,	"	"	D. [illegible]
Savannah Moore,	"	"	D. [illegible]
Martha Byrom,	"	"	D. [illegible]
Jesse Rowe, et al.,	"	"	D. [illegible]
Joseph Rowe, et al.,	"	"	D. 1[illegible]

for enrollment as Cherokee Freedmen.

April 20, 1906, the Commission rejected the applicants.

From an examination of the records in the several applications it appears therefrom that applications were made to the Commission for enrollment as Cherokee Freedmen by Permelia Rowe for herself and her three minor children, Henry, Saloma, and Willie Rowe; by Jesse Rowe, Jr. for herself; by Alva Ray for herself and her minor daughter,

Ian Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Francis E. Wilson; by Savannah Rowe for herself; by Elias Lyons for his wife Martha Lyons; by Jesse Rowe for himself and four minor grandchildren, Amos, Alverta, Pearley and Clifford Seals; and by Joseph Rowe for himself and his wife Polly Rowe, and two minor children Clarinda and Sea Rowe. It is stated in the decision of the Commission that a copy of the testimony taken at different times and places in Cherokee Freedman R - 1886, is filed herewith and made a part of the record in this case.

The evidence in these cases shows that Jesse Rowe and Permelia Rowe are husband and wife, and that they were at one time slaves of a Cherokee citizen who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Selena Rowe, Celia Rowe, Jesse Rowe, Jr., Ayre Ray, Ian Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Francis E. Wilson, Savannah Rowe, Martha Lyons, Amos (Adamish) Seals, Alverta Seals, Pearly Seals, Clifford Seals and Joseph Rowe, are children and grandchildren of the said Jesse Rowe and Permelia Rowe, have been since the commencement of the rebellion, and take only such rights as may be possessed by said Jesse Rowe and Permelia Rowe; that the applicants, Clarinda Rowe, Sea Rowe, and Lerma Rowe, are the minor children of and claim their right to enrollment through their parents, the said Joseph Rowe, and Polly Rowe; that the said Polly Rowe was born since 1866 and is the daughter of and claims her right through Judith Chambers.

[illegible] Lewis the [illegible] to the [illegible] that [illegible] [illegible] [illegible] to the [illegible] [illegible] in the Cherokee Nation v. [illegible] the [illegible] filed in the [illegible] of the Court of Claims [illegible] [illegible] 2, 1904, in the [illegible] of Bang Wa [illegible], [illegible], [illegible], vs. the [illegible] Nation, [illegible], for the return of Cherokee [illegible] to said Nation, and that the said Polly Rose is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

None of the applicants can be identified as the legal authenticated Cherokee roll.

It is therefore recommended that the applications for enrollment of Permelia Rose, Nancy Rose, Salena Rose, Polly Rose, Jesse Rose, Jr., Ann Mary Wa Ney, Mary Wilson, Cleora Wilson, Joseph Wilson, Pleasie K. Wilson, Savannah Rose, Martha Rose, Jesse Rose, [illegible] Edmond (Edmond) Seals, Alverta Seals, Pearley Seals, Hilford Seals, Joseph Rose, Pollie Rose, Clarissa Rose, Ora Rose and Lorna Rose as Cherokee freedmen be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

Very respectfully,

(Signed) A. H. Tonner,

Acting Commissioner.

JPM

E

D C 18234-1904. SECT W.G.F.

I.T.D. 4224-1904. DEPARTMENT OF THE INTERIOR. J.P.

L.R.S. WASHINGTON. JRR

May 26, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 2, 1904, you transmitted the record in the consolidated Cherokee freedman case of Permelia Rowe, et al (R-281), including your decision of April 20, 1904, rejecting the applications for the enrollment of Permelia, Nancy, Salena, Colie, Jesse, Joseph, Pollie, Clarinda, Rae, Lena and Jesse Rowe Jr., Addie, Alverta, Pearly and Clifford Seale, Martha Lyons, Arpe and Ina May, Mary, Claude, Joseph and Flossie M. Wilson and Savannah Moore.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

[illegible]

[illegible]

[illegible], Indian Territory, June 9, [illegible].

[illegible]

[illegible], Indian Territory.

Dear [illegible]:

[illegible] hereby [illegible] the Commission's decision [illegible] April [illegible], [illegible], rejecting, among others, your application for the enrollment of yourself and your three minor children, Nancy, Salome and Julia Lewis, and [illegible] Lewis, [illegible], was affirmed by the Secretary of the Interior on May 20, [illegible].

Respectfully,

[illegible]

Chairman.

Cherokee Freedmen
D 1024, et al.

Muskogee, Indian Territory, June 7, 1904.

Edgar Smith,

Attorney for Joseph Brown, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 28, 1904, rejecting the applications for the enrollment of Joseph, Pollie, Charlotte, Sam, Sam, Jesse, Jesse, Jr., Permelia, Nancy, Salem and Polly Brown, Ezekiel, Alvaria, Pearley and Wilford Beals, Martha Lynch, Savannah Bacon, Mary, Glenda, Joseph and Ricardo M. Wilson, and Arro and Ida Ray as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 24, 1904.

Respectfully,

Commissioner.

Cherokee Freedmen
v. Ross, et al.

Muskogee, Indian Territory, June 7, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1906, rejecting the applications for the enrollment of Joseph, Patrick, Charlotte, Sam, Anna, Jesse, Jesse, Jr., Permelia, Henry, Nelson and Polly Ann, Adair, Alverson, Hartley and Clifford Reid, Martha Lynch, Savannah Bean, Mary, Elmira, Joseph and Minnie E. Wilson, and Ayres and the Heirs of Cherokee Freedmen, was affirmed by the Secretary of the Interior on May 24, 1906.

Respectfully,

Madison.

Copy

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Recd. JUL 18 1931

live with the applicant in the Cherokee Nation. The attorney for the applicant asks that said applicant, Jesse Rowe and the four children applied for, be placed on a doubtful card for further consideration, stating that there may be other testimony taken in connection with this case, and asks that this testimony may be made a part of the application of Parmelia Rowe on Cherokee Freedman D. card #681. At the present time the Commission cannot see any ground for placing the applicant and his four grand children on a doubtful card even, but it will be done at the request of the attorney for the applicants; therefore the said Jesse Rowe and the four grand-children mentioned herein will be listed for enrollment as Cherokee freedmen of a doubtful card and when the final decision is arrived at by the Commission he will be notified by mail.
It is further ordered that a copy of this testimony be filed in the case of Parmelia Rowe, C. F. D. #681.

* * * * * * * * * * *

Chas. von Zaise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Stenographer)

Subscribed and sworn to before me this the 15th of July, 1931.

[illegible] of the Dawes
[illegible] to the Five Civilized Tribes,
[illegible], I. T. [illegible]

[illegible] & Wright for the applicants.
[illegible]
[illegible] for the Cherokee Nation.

In the matter of the application of [illegible] for the enrollment of [illegible] children as [illegible] the being sworn by Commissioner X. H. Brookins, testified as follows:

Q What is your name? A. Jesse Scales.
Q What is your age? A. I am 50.
Q What is your postoffice address? A. [illegible]
Q In what district do you reside? A. [illegible] Nation.
Q Do you want to be enrolled as a Cherokee citizen? A. Yes sir.
Q Who else do you want to have enrolled? A. Myself and four grand children.
Q What are their names? A. Hannah Scale
Q How old is she? A. 16 years
Q Next? A. Cherry Scale.
Q How old? A. 15 years
Q Next? A. Rosie Scale.
Q How old? A. 14 years
Q Next? A. Clifford Scale
Q How old? A. 12 years.
Q Who is the father of these children? A. Johnson Scale.
Q Is he alive? A. I don't know.
Q What was their mother? A. Lizzie Scale.
Q Is she alive? A. No sir.
Q Where are these children now? A. Living with me
Q You have them in your possession now? A. Yes sir
Q You say you are the grandfather of them? A. Yes sir, they are my daughters children.

By Smith:

Q How long have you lived on I Nation? A. 8 or 10 years.
Q Have you lived there all that time or have you been out west? A. I visited in Texas some.
Q What is your occupation? A. Minister.
Q How long have you been a minister? A. 33 years.
Q What church do you belong to? A. The Missionary Baptist
Q Where were you born? A. Canadian District, Cherokee Nation on Grand River.
Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Buck or Bare Bear.
Q Was he a Cherokeeindian? A. Yes sir.
Q Where did he live? A. On Spring creek in Canadian district, so they tell me.
Q Where were you when the Civil war commenced? A. In Texas
Q Who took you there? A. My master at that time was George Starr.
Q Was he an Indian? A. Yes sir.
Q Where did he take your mother? A. Final district, I am told.
Q Was he ever served in the Cherokee Nation himself? A. Yes sir.
Q How old were you when you were taken to Texas? A. Quite a young boy, I dont know how old I was.
Q What became of George Starr? A. Died.
Q Where did he die? A. In the Cherokee Nation.
Q He came back here did he? A. Yes sir.
Q You lived a citizen here when he died? A. Yes sir.
Q You were a child when you were taken away? A. Yes sir.
Q When did you first come hereafter the war? A. In the winter of

By

Q What time of the winter? A. January, I left there Christmas and got here [illegible] Christmas.
Q Where did you come to? A I suppose it was Fort Gibson, but I didn't really know where I [illegible] to.
Q How long did you stay there? A. Just a short time.
Q [illegible] between your visit and the meeting
Q What year were you [illegible]? A. [illegible] mother told me in '83 or 84 I was [illegible] that I was in [illegible]
Q Where did you go after that? A. Home, went home in March.

By the Commission-

Q What do you mean by HOME? A. To my master's in Texas.

By Smith-

Q Your master had not returned then? A. No sir.
Q When did he return? A. In the winter or fall of '67 or 8?
Q When did you come here here? A. In '70?
Q When did you get married? A. In '82 that is how I come to remember my age, my master made fun of me and told me I wasn't but 14 years old and too young to marry.
Q How old was you when you commenced preaching ? A. 16 or 17, just after the war I commenced to preach, I reckon you would call it preaching; time of the war I was out to services and learned to pray and talk and the people then called it preaching.
Q How long did you stay here when you came the second time? A. Not a little while.
Q What did you do when you came here? A. I stopped here just this side of Vert with in Sequoyah district preaching around there and then went back to Texas.
Q When did you over come back to the Cherokee Nation after that? A. A The next time must have been in '78 or 80 I brought my children out here, my father in law was in Sequoyah and I brought my children out here then.
Q Where was your wife up to '78? A. In Texas with me sir.
Q Are you still preaching? A. Yes sir.
Q How do you preach, in other words, in what places? A. I have three churches.
Q Is there any rule or regulation in your church as to how and where you are to preach or do you go wherever you want to? A. We are called by the voice of the church, the majority of the members govern that.
Q The Methodists have of conference , what do you have? A Association
Q Is it similar to the conference of the Methodists? A. Not exactly.
Q What do you have in place of Bishops? A Missionaries
Q What are you? A. I was a Missionary when I was in Texas, I a Presiding Elder.

By the Commission-

Q You are not called up now to any particular church here? A. I am the presiding officer or Superior of the churches in this district now.
Q When to become the minister of a church you are called there by the members of that church? A. Yes sir.
Q And not by a general Conference? A. No sir.
Q That is the difference between the Methodists and Baptists in selecting their ministers? A. Yes sir.

By Mansfield-

Applicants not found on any of the Cherokee rolls now in the possession of this Commission.

By Davenport-

Q When did your master George Starr go to Texas? A. I don't know
Q Was you born before he went there? A. Yes sir I was born before he took me there. My understanding is that my master Dick Rowe was a very wild and reckless man and owed a great deal of money and we got sold off, and George Starr got us and took us to Texas.
Q You were in Texas several years before the war? A. Yes sir.
Q When you brought your family to the Cherokee Nation to live it was in '79 or '80, you brought your children here then? A. Yes sir.

By the Commission-

Q Have you and your family lived continuously in the Cherokee Nation since that time? A. My children have, I brought my wife here in '80, I kept her with me in Texas up to then.
Q Was you a slave of Dick Rowe first? A. I was born his slave.
Q How did you get into the hands of George Starr? A For a debt.
Q Are these four children living now? A. Yes sir.
Q Where were they born? A. In Texas.
Q Is their mother living? A. No sir.
Q Did she die in the state of Texas? A. Yes sir.
Q She never came here at all? A. No sir, I brought her first.
Q When? A. In '79 or '80.
Q Was she married then? A. No sir, she married after she went back to Texas.
Q She lived and died there after marrying? A. Yes sir.
Q How long have these children been in the Cherokee Nation? A. Ten years old.
Q You brought them here with you when you brought your wife? A. Yes sir.
Q How old was Lizzie when she came here with you? A. Must have been about 14 or 15 years old, she was born in '65.
Q What year was she married? A I dont remember.
Q How old was she when she married? A. I dont remember.
Q How old was she when she died? A. She died in '92 and she was born in '65, in August.
Q She was 26 years old when she died? A Yes sir.

By Davenport-

The mother of these children was born in Texas? A. Yes sir.

By Com'r Meadler-

Jesse Rowe applies for himself and four grand children Adamiah, Alverta, Pearle and Clifford Seals; his name is not on found on any of the rolls of the Cherokee Nation now in the possession of this Commission; he swore that he was a slave of Dick Rowe, who was a Cherokee citizen; he swore that he was taken to Texas by one George Starr, having been turned over to the said Starr by Dick Rowe for a debt. He swore that he became returned to the Cherokee Nation in January of '67 and returned to Texas in a few weeks; that he remained in Texas until 1879 or 1880 and then brought his children to the Cherokee Nation and returned again to Texas where he and his wife remained until 1880 at which time he and his wife came to this country to live; he swore that his eldest child was named Lizzie that she was born in the state of Texas, married there to one Seals and died there when she was 26 years of age; that there were born to her the four grand-children of the applicant now applied for, said children having been born in Texas, but now

live with the applicant in the Cherokee Nation. The attorney for the applicant says that said applicant, Jesse Rose and the four children applied D.P., be placed on a doubtful card for further consideration, stating that there may be other testimony taken in connection with this case, and asks that this testimony may be made a part of the application of Permelia Rose as Cherokee Freedman D. card feel. At the present time the Commission cannot see any ground for placing the applicant and his four grand children on a doubtful card, but it will be done at the request of the attorney for the applicants; therefore the said Jesse Rose and the four grand-children mentioned herein will be listed for enrollment as Cherokee freedmen of a doubtful card and that the final decision is arrived at by the Commission he will be notified by mail. It is further ordered that a copy of this testimony be filed in the case of Permelia Rose, D. F. R. feel.

* * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 15th of July, 1901.

Commissioner.

File with Jesse Rowe et al., D. F. D. 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 15th 1901.

In the Matter of the application of Permelia Rowe, C. F. N. 881.

[illegible]

Appearances:
[illegible] S. Davenport for the Cherokee Nation.
Mellette & Smith for the [illegible]

James M. [illegible] being duly [illegible] before Geo. B. Nettles, testified as follows on the [illegible] the Cherokee Nation:

(By Davenport.)

Q What is your name? A James M. [illegible]
Q How old are you? A 55.
Q Where do you live? A In the Cherokee Nation.
Q How long have you lived [illegible] Nation? A Ever since 1859
Q Have you ever been [illegible] Nation and if so where? A My father moved to Texas [illegible] County.
Q When did you return [illegible] after his death.
Q Did you know a lady known to you [illegible] Mayfield? A Yes sir.
Q Where did you live when you [illegible] acquainted with her? A In the Cherokee Nation.
Q Did she ever live [illegible] in the Cherokee Nation? A She moved to Texas.
Q When did she move to Texas? A In '47.
Q How long did she live in Texas? A She lived there until after the war.
Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
Q Do you know the names of any of them? A No sir.
Q Do you know Permelia Rowe? A No sir.
Q Do you know Jesse Rowe? A Yes sir.
Q Where did you know him? A In Texas.
Q Did he have a wife at that time? A I dont know exactly about that.
Q Did you ever know a colored woman that belonged to aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.
Q Where was she when you knew her? A In Texas, she was cooking there
Q Was that before or after the war? A That was before and after both.
Q Where was aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
Q Do you know what your aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.
Q Who did Jesse Rowe belong to? A George Starr.
Q Where did he live at the breaking out of the war? A In Texas, Rusk County.
Q When did he go to Texas? A In '47, my father's family went with him.
Q Did he have Jesse Rowe with him when he went there? A Yes sir, that is my impression—he was there and grew up there.
Q Do you know anything about where Jesse was at the close of the war? A No sir, I am not certain where he was then.
Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
Q What year was that? A '47.
Q Did they live in Texas continuously from '47 until the breaking out of the war? A Yes sir.

(By Smith)

Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens, I think they were considered citizens of Texas.
Q What did they claim, I am not asking you for your opinion? Well

they were Cherokees by blood.
Q They had moved from this country? A Yes sir.
Q And they still claimed to be citizens of this country? A No sir, they voted there to my knowledge.
Q How do you know? A They had elections there and they voted.
Q Did you see them vote? A I dont know as I can specify the time they voted, but they voted.
Q How do you know it? A They were recognized as citizens and paid taxes and were old enough, and every one down there who was old enough, voted.
Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.
Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.
Q Do you know it? A Yes sir as well as I know anything that I didn't see.
Q As well as you know anything that you dont know? A A man knows things sometimes that he dont see.
Q You dont know anything that is in favor of these freedmen to you? A If I did and was asked about it I would tell it.
Q Have you ever testified in behalf of a single one of them here? Q I have not directly, I have not been called upon.
Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been. And I think I have a right to.
Q You dont really know what these folks did in Texas as to voting or not do you? A I am pretty sure that they voted.
Q You can say if they did or did not? A I can say they did.
Q Did you see them? A No sir.
Q How do you know that they voted? A They were citizens there.
Q How do you know that? A They owned property there and were taxed.
Q How do you know that they were taxed? A The assessor went round and taxes everybody.
Q Do you know that George Starr was taxed? A I have every reason to believe that he was.
Q You dont know that Sallie Mayfield was taxed? A I think that they were taxed.
Q You dont know it though? A Well as a man can know it I do.
Q Did they ever come back to the Cherokee Nation? A Yes sir.
Q They were recognized as citizens when they did come back here? A They were re-admitted then.
Q They were recognized then? A Yes sir.
Q You dont know where Jesse Rowe was in '66? A No sir.
Q You dont know where Permelia Rowe was in '66? A No sir.
(By Davenport)
Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.
Q You would not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

ZEEK STARR, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A Zeek Starr.
Q What is your post office address? A Tahlequah.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where did you live before you come to the Cherokee Nation? A Texas, Rusk county.

Q What was your father's name? A George Rowe.
Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first remember? A In Texas.
Q Did she own any slaves in Texas? A Yes sir, several.
Q Do you remember the names of any of them? A Of some of the older ones.
Q Did they own a woman named Jessie? A Yes sir.
Q Did she have any children? A Yes sir I think she had some children.
Q Do you know Jess Rowe? A Yes sir.
Q Who did he belong to? A To my father.
Q Do you know if your father had him with him when he came to Texas in '47? A That is before I remember.
Q Where was Jess when you could first remember? A He was living there with us in Texas.
Q Who did Phillis belong to? A To aunt Sallie Mayfield.
Q Do you know where Jess Rowe and his family were when the war broke out? A He was living with us when the war broke out.
Q Where were you living at that time? A Rusk County Texas.
Q You were born in Texas, yourself? A Yes sir.
Q Have you seen Jess Rowe since he came to this country? A Yes sir.
Q Do you know him to be the same Jess Rowe that belonged to your father in Texas? A Yes sir the same Jess Rowe.
Q Have you seen his wife since he came here? A I guess I have I dont know as I know his wife exactly though.
Q When did you come to the Territory after the war? A In 1868.
Q Where was Jess Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A There.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jess Rowe in this country? A 10 or 11 years ago.
Q Did he have his family with him at that time? A I dont know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the State of Texas I guess.
Q Were you recognized as citizens of the Nation when you came back?
Q He had to be re-admitted as a citizen of the Cherokee Nation on his return is my understanding.
(By Smith)
Q How many slaves did your father have, Mr. Starr? A 50 or 60.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 15 or 16 years old.
Q A Boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A We left Texas in the spring of '66.
Q Were you at home all the time there? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Bolivar, close to where we lived I went there one or two sessions and part of the time I boarded with aunt Sallie Mayfield, she lived closed than we did.
Q Where was Jess Rowe when you were boarding with aunt Sallie Mayfield? A At home on our farm.
Q How far was your farm from your aunt Sallie Mayfield? A Six or seven miles.
Q Did you have any special reason for recollecting Jesse Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
Q As far as Jess Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '65, '6 and '7? A Not by anything particular, but they

was all there like the other slaves and I thought he was there too.
Q Where was Parmelia Rowe? A She was there.
Q Was that Jess' wife? A I think she was, he married one of Aunt Sallie Mayfield's nigroes.
Q Where had your family gone from to Texas? A Cherokee Nation
Q They were citizens here? A Yes sir.
Q Did they have any property here? A They sold it I understand and went to Texas.
Q Where had your aunt Sallie Mayfield lived before she went to Texas? In the Cherokee Nation I have been told.
Q Did she ever come back? A Yes sir.
Q They were recognized as citizens here? A She lived here a while and then went back to Texas.
Q She was a Cherokee by blood? A Yes sir.
Q Was your father a Cherokee? A Yes sir.
(By the Commission)
Q Where was Jess born? A I dont know, he is older than I am.
Q Was Jess taken to Texas when your father went there? I suppose he was, I dont know, I was born in Texas in --49.
Q You dont know where Jess was born? A No sir.
(By Davenport)
Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A-
BY MR. SMITH: The applicant's object to the testimony as to the re-admission for the reason that the record would be better evidence.
(By Davenport or witness)
Q You don't know what took place as to their citizenship? A No sir
Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.
Q When your father came back here did he have any property here?
A No sir.
(By Smith)
Q You were born in Texas? A Yes sir.
Q You are a citizen of the Cherokee Nation now? A Yes sir.
Q By blood? A Yes sir.
Q You came here from the State of Texas? A Yes sir.
(By Davenport)
Q Your understanding is that it was after your return that you were re-admitted? A Yes sir.
(By the Commission)
Q How did you get to be a Cherokee citizen if you were born in Texas?
Q After father was re-admitted I suppose the whole family was re-admitted with him.

= = = = = = = = = = = = =

This will be filed in Cherokee freedmen cases D-681;D-682;D-683;D-684; D-685;D-728;D-960;D-1013;D-1014;D-1024 and D-1063.

****

Chas. von Weise, being sworn states that as Stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

Comm. R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Permelia Rowe, et al., as Cherokee Freedmen, consolidating the applications of--

Permelia Rowe, et al.,	Cherokee Freedmen D- 681,
Jesse Rowe, Jr.,	Cherokee Freedmen D- 682,
Arre Ray, et al.,	Cherokee Freedmen D- 683,
Mary Wilson, et al.,	Cherokee Freedmen D- 684,
Savannah Reese,	Cherokee Freedmen D- 685,
Martha Lyons,	Cherokee Freedmen D- 786,
Jesse Rowe, et al.,	Cherokee Freedmen D- 960,
Joseph Rowe, et al.,	Cherokee Freedmen D-1014.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Permelia Rowe for herself and her three minor children, Nancy, Salena and Celia Rowe; by Jesse Rowe, Jr., for himself; by Arre Ray for herself and her minor daughter, Ina Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Flossie M. Wilson; by Savahnah Reese for herself; by Eliza Lyons for his wife, Martha Lyons; by Jesse Rowe for himself and his four minor grand-children, Adami, Alverta, Pearley and Clifford Seals, and by Joseph Rowe for himself, his wife, Pollie Rowe, and two minor children, Clarinda, and Ora Rowe; that subsequent to the date of the last-mentioned application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lona Rowe. A copy of the testimony taken at different times and places in Cherokee Freedmen D-1014 is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rowe and Permelia Rowe are husband and wife and that they were at one time the slaves of Cherokee citizens who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Salena Rowe, Celia Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Adami Seals, Alverta Seals, Pearley Seals, Clifford Seals and Joseph Rowe are the children and grand-children of the said Jesse and Permelia Rowe, have been born since the commencement of the rebellion, and take only

such rights as may be possessed by the said Jesse Rowe and Permelia Rowe; that the applicants, Clarinda Rowe, Osa Rowe and Loma Rowe, are the minor children of and claim their right to enrollment through their parents, the said Joseph Rowe and Pollie Rowe; that the said Pollie Rowe was born since 1866 and is the daughter of and claims her right to enrollment through Judith Chambers.

It further appears from the evidence herein that neither the said Jesse Rowe nor Permelia Rowe returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 5, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the said Pollie Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Permelia Rowe, Nancy Rowe, Salena Rowe, Celia Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Glenda Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Jesse Rowe, Adami Seals, Alverta Seals, Pearley Seals, Clifford Seals, Joseph Rowe, Pollie Rowe, Clarinda Rowe, Osa Rowe and Loma Rowe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby,
Chairman.

(SIGNED) T. D. Needles,
Commissioner.

(SIGNED) C. R. Breckinridge,
Commissioner.

Commissioner.

Muskogee, Indian Territory,
APR 29 1904

F. D. _____

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 190...

Given under my hand this _____ day of _____ A. D. 190...

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day of SEP 23 1901, 190...

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to _____

_____

on the _____ day of _____ A. D. 190...

_____

Subscribed and sworn to before me this _____

_____
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

LATTIMORE, CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Jesse Rowe for enrollment as Cherokee Freedmen:

Case No. F. D. 269

To Jesse Rowe or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M or from day to day thereafter until the case shall be heard by said Commission during the usual hours of said Commission for the taking of testimony both for and against applicant's enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

...SION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902
...ELLING VERNON
...ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Jesse Rowe,
Ketchum, I.T.
Cherokee F-D-900
Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 29 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 29, 1901

Post Office Ketchum I.T.

District Delaware

1. Name Jesse Rowe Age 5-5

Owner's name Dave Rowe Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name

Year Page No.

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Adam Seals	Year Page	No.	Dist.	18
4.	Alverta "	Year Page	No.	Dist.	16
5.	Perley "	Year Page	No.	Dist.	14
6.	Elizabeth "	Year Page	No.	Dist.	12
7.		Year Page	No.	Dist.	
8.		Year Page	No.	Dist.	
9.		Year Page	No.	Dist.	
10.		Year Page	No.	Dist.	
11.		Year Page	No.	Dist.	
12.		Year Page	No.	Dist.	

Application made by Jesse Rowe Stenographer Chas. M. Wise

2, 3, 4, and 5 Birth affidavits to be supplied.

X Ref 1681

Represented by McCoate and Smith

COPY

Cherokee Freedmen
D-141.

Muskogee, Indian Territory, May 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Permelia Rowe et al., including the Commission's decision dated April 29, 1904, rejecting the applications for the enrollment of Permelia, Nancy, Selena, Celia, Jesse, Joseph, Dallie, Charinda, Ora, Lena and Jesse Rowe Jr., Adam, Alverta, Pearly and Clifford Seals, Martha Lynn, Arte and Ina Ray, Mary, Claude, Joseph and Phenie M. Wilson and Savannah Rowe as Cherokee freedmen.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-196.

COPY.

Cherokee Freedmen
D-681.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 29, 1904, in the consolidated case of Permelia Rowe et al., rejecting the applications for the enrollment of Permelia, Nancy, Salome, Celia, Jesse, Joseph, Pollie, Clarinda, Osa, Lona and Jesse Rowe Jr., Admai, Alverta, Pearly and Clifford Seale, Martha Lyons, Arve and Ina Ray, Mary, Claude, Joseph and Flossie M. Wilson and Savannah Reese as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-197.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-621 et al.

Muskogee, Indian Territory, May 5, 1904.

Edgar Smith,
Attorney for Permelia Rowe et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Permelia Rowe et al., rejecting the applications for the enrollment of Permelia, Nancy, Selena, Celia, Jesse, Joseph, Pallie, Florinda, Dee, Lena and Jesse Rowe Jr., Adami, Alverta, Pearly and Clifford Seale, Martha Lynn, Arra and Ina Ray, Mary, Claude, Joseph and Flossie E. Wilson, and Savannah Reese as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. D-194.

COPY.

Cherokee Freedmen
D-960.

Muskogee, Indian Territory, May 5, 1904.

Jesse Rowe,

Ketchum, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself and your grandchildren, Adami, Alverta, Pearley and Clifford Seals, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register

Enc. D-194.

Refer in reply to
the following:
Land
[illegible]-1904

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, May 21, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 5, 1904, transmitting for your consideration, the application of Permelia Rowe, et al., consolidating the applications of

Permelia Rowe,	Cherokee Freedman,	R. [illegible]	
Jesse Rowe, et al.,	"	"	D [illegible]
Arra Ray, et al.,	"	"	D [illegible]
Mary Wilson,	"	"	D [illegible]
Savannah Rowe,	"	"	D [illegible]
Martha Lyons,	"	"	D [illegible]
Jesse Rowe, et al.,	"	"	D [illegible]
Joseph Rowe, et al.,	"	"	D 1046.

for enrollment as Cherokee Freedman.

April 20, 1904, the Commission rejected the applicants.

From an examination of the records in the several applications it appears therefrom that applications were made to the Commission for enrollment as Cherokee Freedmen by Permelia Rowe for herself and her three minor children, Nancy, Salem, and Colie Rowe; by Jesse Rowe, Jr. for herself; by Arra Ray for herself and her minor daughter,

Ina Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Elsie M. Wilson; by Savannah Rose for herself; by Ellis Lyons for his wife Martha Lyons; by Jesse Rose for herself and four minor grandchildren, Ethel, Alverta, Pearley and Clifford Seals; and by Joseph Rose for himself and his wife Polly Rose, and two minor children Marinda and Ben Rose. It is stated in the decision of the Commission that a copy of the testimony taken at Fort Smith June and July in Docket Proceeding F - 1002, is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rose and Permelia Rose are husband and wife, and that they were at one time slaves of a Cherokee citizen who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rose, Wilson Rose, Sylla Rose, Jesse Rose, Jr., Arra Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Elsie M. Wilson, Savannah Rose, Martha Lyons, Ethel (Hannah) Seals, Alverta Seals, Pearly Seals, Clifford Seals and Joseph Rose, are children and grandchildren of the said Jesse Rose and Permelia Rose, born since the commencement of the rebellion, and take only such rights as may be possessed by said Jesse Rose and Permelia Rose; that the applicants, Cherondi Rose, Ben Rose, and Lorna Rose, are the minor children of and claim their right to enrollment through their parents, the said Joseph Rose, and Polly Rose; that the said Polly Rose was born since 1866 and is the daughter of and claims her right through Judith Dumbers.

It further appears from the evidence in the case that neither said Jesse Ross, nor said Jo Ross returned to and established residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on January 4, 1897, in the case of Jesse Wilkerson, Trustee, etc., v. The Cherokee Nation, 32 Ct. Cl. for the return of Cherokee freedmen to said nation, and that the said Polly Ross is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said nation at the commencement of the rebellion.

None of the applicants can be identified as the child authorized under Cherokee law.

It is therefore recommended that the applications for enrollment of Permelia Ross, Nancy Ross, Nelson Ross, Julia Ross, Jesse Ross, Jr., Ira Ray, Lee Ray, Mary Wilson, Minnie Wilson, Joseph Wilson, Charlie W. Wilson, Freeman Ross, Martha Ross, Isaac Ross, Annie Mont (Montan) Seals, Alberta Seals, Bayley Seals, Clifford Seals, Joseph Ross, Polly Ross, Charlotte Ross, Tom Ross and Lorna Ross as Cherokee freedmen be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat. 495), and it is so ordered.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

JTB

G

[illegible]

I.T.D. [illegible] 1904. Department of the Interior,

D.A.B. [illegible]

[illegible]

May 25, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 6, 1904, you transmitted the papers in the enrollment contest Freedman case of Permelia Ward, et al (W-[illegible]), including your decision of April 30, 1904, rejecting the applications for the enrollment of Permelia, Nancy, Salena, Willis, Jenny, Joseph, Phillis, Charlotte, Dan, Lynn and Jesse Ward Jr., Ahmed, Alvarta, Stacy and Clifford Veale, Martha Lewis, Ira and Ida May Mary, Claude, Joseph and Blanche K. Wilson and Levannah Reed.

Reporting in the matter May 25, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedman
D 968

Muskogee, Indian Territory, June 7, 1906.

Jesse Cobb,

Bryceton, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's Roll for dated April 30, 1906, rejecting, among others, your application for the enrollment of yourself and your four grandchildren, Grant, Alvarita, Pearlie and Clifford Beale, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 28, 1906.

Respectfully,

Commissioner.

Cherokee Freedmen
B 1064, et al.

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 28, 1904, rejecting the applications for the enrollment of Joseph, Julia, Charlotte, Sam, Lena, Jack, Jane, Jr., Benjamin, Henry, Helen and Julia Ross, Adam, Alverta, Pearley and Mitchell Beale, Martha Lyons, Savannah Reese, Mary, Sheila, Joseph and Phoebe M. Wilson, and Ava and Ina Ray as Cherokee Freedmen, was affirmed by the Secretary of the Interior on May 14, 1904.

Respectfully,

Chairman.

[illegible]

[illegible], [illegible], June 7, 1944.

Dear [illegible]:

Attorney for Joseph [illegible], et al.,
[illegible], [illegible] [illegible],

Dear Sir:

You are hereby advised that the Commissioner's decision dated April 26, 1944, rejecting the applications for the enrollment of Joseph, Pollie, Elizabeth, Ben, John, Jesse, Frank, Fly, Jennie, Henry, Nelson and Polly Jones, Mark, Sherman, Pearley and Clifford Smith, Martha Tyner, Elizabeth Jones, Polly Smith, Joseph and Joseph W. Wilson, and Jesse and Ida Ray as Mississippi Choctaws, was affirmed by the Secretary of the Interior on May 29, 1944.

Sincerely,

[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES
SEP 1932

in the possession of the Commission, after a thorough examination and they unanimously found thereon. She avers that she was a slave of Sallie and Jess Mayfield, who removed with her to the State of Texas, that she was a child [illegible] She grew up in the State of Texas, and married there to one Jesse Rowe [illegible] and is a Cherokee Freedman. She avers that in 1886 she came to the Cherokee Nation in search of her father, leaving her family [illegible] and returned. She avers that her said children were all born in the State of Texas and that she returned with her family in 1898 [illegible] years ago, and has been living here in the Cherokee Nation ever since. The testimony fails to show that the applicant returned in the year 1886 with her family and that although she herself came to the Cherokee Nation in 1886 for a short time and returned to Texas, the testimony fails to show that the said return was in accordance with the spirit or either letter of the provisions of the treaty of 1866 permitting freedmen who returned within six months thereafter to become citizens of the Cherokee Nation, but under the circumstances the said Permelia Rowe and her three children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card, because of the fact that the testimony in her case has not all been presented, by her attorney asserting that he has three witnesses that he desires to introduce. The final decision of the Commission will be made known to the applicant at her post office address.

* * * * * * * * *

J. C. Rosson being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. C. Rosson

Subscribed and sworn to before me this 24th day of June, 1901.

[illegible] with the case of Martha Lyons [illegible] 728

[illegible] Department of the [illegible]
[illegible] Commission to the [illegible] Cherokee Tribe.
[illegible], I. T. June, 11th 1902.

In the matter of the application of Permelia Rowe for the enrollment of herself and three children as Cherokee Freedmen [illegible] sworn and examined by Commissioner T. B. Needles, testified as follows:

[illegible] Mellette & Smith for [illegible]
[illegible] J. S. Davenport, [illegible]
Q What is your name? A. Permelia [illegible]
Q How old are you? A. I am about 55 or 56 as near as I can guess.
Q What is your post office? A. Keco[illegible], I. T.
Q What district do you live in? A. [illegible]
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. I have three children.
(Hands documents to [illegible])
Q Your first named Nancy? A. Yes sir.
Q She is 16 years old? A. Yes sir.
Q What is the next one named? A. Selina.
Q How old is Selina, about 14? A Yes sir.
Q What is the next one named? A Collie.
Q Is that a boy or a girl? A. Boy.
Q How old is Collie, about 12? A Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation?
A Yes sir, it ought to be on the Wallace roll and Kern Clifton roll.
Q Is not on the 1880 roll? A. No sir, my father's in on the 1880 roll
Q What is your father's name? A. Collie Jones.
Q Is he living? A. No sir, he is dead.
Q What was your mother's name? A. Philis.
Q Philis Jones? A. Went by the name of Philis Mayfield.
Q Is she living? A. No sir, she is dead.
Q Are you married? A Yes sir.
Q What is your husband's name? A. Jesse Rowe.
Q Is he living? A. Yes sir.
Q Is he a citizen? A. Yes sir.
Q You don't apply for him? A. No sir, he belonged to the Cherokees.
Q Were you ever married before? A No sir.
Q Jesse Rowe your first husband? A. Yes sir.
Q Is he the father of these three children? A. Yes sir, father of all my children.
Q Where were these children born? A. Born in Texas.
Q Were you married in Texas? A Yes sir.
Q To Jesse Rowe? A. Yes sir.
(By Mr. Smith)
Q How old are you, did you say? A. I am about 55 or 56
Q Were you born a slave? A. Yes sir.
Q Whose slave were you? A. Sallie Mayfield.
Q Was she a Cherokee? A Yes sir.
Q Live in the Cherokee Nation? A. Yes sir.
Q Citizen of the Cherokee Nation here? A. Yes sir.
Q Where were you during the Civil War? A. I was in Texas, they carried me from here to Texas, my owners.
Q When did they carry you to Texas? A. They carried me and when I was small.
Q Who was that now, the Mayfields? A Yes sir, Sallie Mayfield and Jess Mayfield, her husband.
Q How long did you, had you been down in Texas when the war commenced?
A I don't know sir; I have no knowledge of how long I had been there.
Q Where did this Sallie Mayfield live before she went to Texas, what part of the Cherokee Nation? A She lived in Flint District.
Q Was she married? A. Yes sir.
Q Who was her husband? A Jess Mayfield.
Q How old were you when they took you to Texas? A I don't have any

knowledge how old I was, I was small.
Q Well do you know or have any knowledge of how long you staid in Texas? A Yes sir, been in Texas all the time until in '66, I come; my mistress taught me my father was living and for me to come and hunt him up and I come in '66 and hunted him up.
Q Where did you go in 1866 to the Cherokee Nation? A. Yes sir.
Q What part of the Cherokee Nation? A. Down here in Sequoyah.
Q How long did you stay down in Sequoyah? A I staid down there about two or three weeks and there was such a trouble killing and me being in a growing condition and I turned and came back because I found my father and just wrote him to let him know I had been on the hunt of him.
Q And where did you go? A. I went to Texas to my husband.
Q Then when did you; how long did you stay in Texas? A I staid there all the time until about 12 or 15 years ago I moved and settled down.
Q Were you married in 1866? A Yes sir I was married.
Q Who were you married to? A. Jesse Rowe.
Q Your present husband? A. Yes sir, ain't been married but once. He was a Missionary and he pledged himself to serve so long in the Missionary field and when I come out and I would not agree to leave him and come back; I just wrote to my father and he started me a claim.
Q Now then Sallie Mayfield, when she went to Texas before the war, had she abandoned theCherokee Nation? did she sell out up here? A No sir, she hadn't sold out; so they told me, I was just going by what I heard.
Q You know where they lived when they lived in the Cherokee Nation here? A. I heard them say they lived in Sequoyah district, in Flint district.
Q Did you have any recollection yourself of the place where you lived before you went to Texas? A No sir, I was too small.
Q Now, your husband, Jesse Rowe, was he a slave? A. Yes sir.
Q Did you know him before the war? A. I knew him in the time of the war.
Q Whom did he belong to? A. George Starr.
Q Was George Starr and Indian? A. Yes sir.
Q Where is your husband, Jesse? A I dont know whether he is on the ground or not; he was talking about going off a piece to-day, I dont know whether he went off or not.
Q Have you any children? A. Yes sir.
Q Are they of age or younger? A. Yes sir, I got three here's of age.
Q Are they all Jesse Rowe's children? A. Yes sir, every one of them Jesse Rowe' children.
Q Where were you and Jesse Rowe married? A. In the State of Texas
Q Have all these children been born to you since you have been married to Jesse Rowe? A Yes sir.
Q When did you last see your mistress, old Mistress? A She has been dead; I used her the same her I come out here she was in Texas.
Q Did you ever see her after you went back to Texas? A When she went back?
Q I mean now; when did you mean that you saw her, before you came out here the last time or first time? A The last time, her children, washed clothed for her.
Q When did you last see her husband? A. Old Jesse Mayfield, well he has been dead too long to talk about; too long to me to recollect, it has been a long time, I wasn't grown good when he died.
Q Where did this George Starr who owned Jesse, where did he live? A. I think he lived in Flint.
Q Have you ever seen him or know of his people since you came to the Cherokee Nation? A. No sir, none but my [illegible] came back
Q That is her name now? A Mary Bell. [illegible] daughter Mary.
Q Is she the wife of Hooley Bell? A. Yes sir.
Q Was she the one that owned your wife Jesse? A Yes sir, her father.
Q Well, have you any witnesses here? A Yes sir.
Q Who? A. Brother Jack Jones and Sue McNair and Peter Williams and Charles Mayfield.
(We don't Question.)

Q Now, Mrs Rove, you say you [illegible] to Texas when you were a child?
A Yes sir.
Q By [illegible]
Q [illegible]
Q [illegible]
[illegible] A. Yes sir
[illegible]
[illegible] up your
[illegible] A. Yes sir.
[illegible]
[illegible] A. No sir.
[illegible]
[illegible] and your family,
[illegible]
[illegible] back
[illegible]
Q Do you personally [illegible] 18 or 19 years ago? A. No sir.
Q You came up to look to [illegible] A. Yes sir I just wrote to my father to find me a [illegible] and I sent my children back and they [illegible]
Q Do you [illegible]
Q [illegible] A. No sir.
Q [illegible] you want? A Yes sir.
Q Citizens of [illegible] A. Yes sir.
(By Mr. [illegible])
Q They went [illegible] about [illegible] A I don't [illegible] that.
Q [illegible] were living there [illegible] Cut? A Yes sir.
[illegible] about [illegible] ago. [illegible] A. Yes sir, grew up
(By Comr [illegible])
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir, it is on the Kona Clifton roll.
Q Did you draw money at that time? A. No sir, it ought to be on the Wallace roll.
Q You never drew any money upon any roll? A No sir.
Q For yourself or any of your children? A. No sir, my father is on the '20 roll.
Q Did you apply to the Cherokee authorities to be enrolled as a Cherokee Freedman? A Yes sir, this makes three times I have been before the Court.
Q Did you ever apply at Tahlequah before the Court down there? A No sir
Q You were before the Wallace court and the [illegible] Court and this court?
A Yes sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and applicant name not found thereon.
Kona Clifton and Wallace rolls of Freedmen of the Cherokee Nation examined and applicants names not found thereon.

Emma Williams, being sworn and examined by Commissioner T. B. Needles, testified as follows:

(By Smith).
Q State your name? A. Emma Williams.
Q How old are you? A. I may not give an my age exactly but I am about 30.
Q Do you know [illegible] Rowe this witness? A I see her in Fort [illegible] I am a [illegible] in '66.
Q [illegible] A I [illegible] I was her [illegible] that is the time I mean this.
Q Did you know her before the war? A. No sir, I didn't know her before

the war.
Q Did you know the Mayfields, Willis Mayfield and Jesse Mayfield? A No
I didn't know them.
Q Do you [illegible] Rowe, the husband of Parmelia? A Yes sir, I know him;
he is [illegible]
Q Do you [illegible] anyone [illegible] to be if he was
[illegible] rolls.
Q [illegible] know him before the war? A. No, I have seen him passing b
[illegible] I don't know exactly on the rolls.
Q [illegible] sir.
Q [illegible] A. [illegible] been for quite a while
Q [illegible]
Q [illegible] A Yes sir.
Q [illegible] wife [illegible] A. [illegible] was white but just I dont
know which I don't know exactly if was his wife, but I saw them
[illegible] my husband's shop.
Q [illegible] A. Yes sir.

[illegible] Jones, being sworn by Commissioner T. B. Needles,
testified as follows: (By Mr. Smith)
Q What is your name? A. Jack Jones.
Q How old are you? A. 24.
Q Do you know Parmelia Rowe? A. Yes sir.
Q Do you know her husband, Jesse Rowe? A. Yes sir.
Q What do you know about this case, this application? A This is my
sister.
Q Parmelia is your sister? A. Yes sir.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Are you on any of the rolls? A. Yes sir.
Q What rolls? A. 1880 roll.
Q Were you a slave? A. Yes sir.
Q Who was your father? A. Solis Jones.
Q Who was your mother? A. Eliza Jones.
Q Were they slaves? A. Yes sir.
Q Whom did they belong to? A My Daddy belonged to Judge Adair and
my mother belonged to Burrington.
Q Well, who was Parmelia's father? A. Solis Jones.
Q Who was her mother? A. I dont know her mother.
Q Was a difference mother from your? A. Yes sir.
Q Then she is your half sister? A Yes sir.
Q How old did you say you were? A. 28 years old.
(By Com'r Needles)
Q When did you first see her? A. 1866.
Q When she came to Texas? A. Yes sir.
Q You never saw her in Texas? A. No sir.

CHARLES MAYFIELD, being sworn and examined by Commissioner
T.B. Needles, testified as follows: (By Mr. Smith)
Q What is your name? A. Charles Mayfield.
Q Where dod you live? A. On Grand River.
Q How old are you? A. About eight-odd, about 80 or 7.
Q Were you a slave during the war? A. Yes sir.
Q Who did you belong to? A. Mayfield.
Q Which Mayfield? A. Walker Mayfield.
Q Did you know this applicant, Parmelia Rowe, this woman? A Well I wasn't
well acquainted with her, she lived in Texas and I think we all belonged
to the same connection of white people.
Q What relation was her owner to your owner? A I think she was Walker
Mayfield's sister.
Q What were the names of Parmelia, what were their names? A Let's see,
just hold her.
Q Would you know the name if you were to hear it? A. Yes sir.
Q Was it Sallie? A Yes sir.

Q And Jesse? A Yes sir.
Q Do you know what relation they were to the Mayfields that owned?
A They were cousins, Walker Mayfield was her sister.
Q Have you any recollection when her owners went to Texas Jesse and Sallie? A. No sir.
Q Did you know them yourself in the Cherokee? A No sir, not since they returned.
Q I mean did you ever know Jesse and Sallie Mayfield? A. Oh, yes sir.
Q Where did they live, did they ever live in the Cherokee Nation? A Yes sir.
Q Where? A. In Flint district, on Goingsnake.
Q Have you any recollection of the place where they lived? A No sir, not exactly; but it was in Flint; almost all her folks lived huddled up close together.
Q Well, did you ever see this Permelia Mayfield in the Cherokee after the war and before she was taken to Texas? A. I don't know.
Q When did you first see her in the Cherokee Nation; when did you first know her at all? A I first saw her at Fort Gibson in '66; when she was here here.
Q Well, after that when did you see her? A When she came home to her father I saw her again up here not very far above him where I live now
Q That is a long time after 1866?? Yes sir.
Q Do you know when her father got back or was he out during the war? A Now, I am not able to say; he was preaching around here, very old man, I dont know when he returned; I dont know if he went out or not, but he is a citizen here I guess.
Q Do you know Jesse Rowe, the husband of Permelia? A. Yes sir, well.
Q How long have you known him? A. For the last 30 years.
Q Do you know what his occupation is? A. Baptist preacher.
Q Do you know what Jesse belongs to; does he belong to any Conference or Mission, what do you have in the Baptist Church? A. We have a sort of Conference, he belongs to it.
Q Do you know how long he has been a regular preacher? A. I dont know, he preached in Texas and been preaching out here; they sent him off from here and back to Texas.
Q Do your preachers have any permanent home or not; what do you call it, Missionary? A He has got a home.
Q Where does he live? A. Grand river.
(By Mr. Davenport)
Q You never knew this woman or her parents either before the war broke out, did you? A. No sir.
Q You dont know where they were living? A No sir.
Q You dont know where her folks were living except that they were living in that locality? A They were living in Texas.
Q Now, when you saw this woman in '66 at Gibson, who was with her; was her husband with her? A. No sir, there was another man with her.
Q You dont know what she came back to the Cherokee Nation? A. No sir
Q You knew it was several years? A. Yes sir.
Q About ten or 12 years ago? A. Yes sir.

COLUMBUS McNAIR, being sworn by Com'r T.B. Needham testified as follows: (By Mr. Smith)
Q State your name? A Columbus McNair.
Q How old are you? A 61 years of age.
Q Where do you live? A I live at Vinita.
Q Do you know this applicant, Permelia Rowe? A Yes sir.
Q How long have you known her? A. Oh, I have knowed her I guess ever since the war.
Q When did you first see her after the war? A. Oh, I the first time I saw her after the war was when she came up on Grand River.
Q Do you know her husband, Jesse Rowe? A. Yes sir.
Q Did you know him before the war or afterwards? A. I knew him at the time of the war.
Q When did you first see him in the Cherokee Nation after the war? A When he first came up on Grand River.

Q How long after the war? A. I do not remember how long, it has been about 14 or 15 years, I guess; as near as I could guess at it.
Q Did you know where he belonged to before the war? A. Yes sir.
Q To whom did he belong? A. George Starr.
Q Was George Starr an Indian? A. Yes sir.
Q Cherokee Indian? A. Yes sir.
Q Where did he live before the war? A. When I got acquainted with him he was living in Texas.
Q Did you ever know George Starr to live in the Cherokee Nation or did he ever live in the Cherokee Nation? A. I have knowed him to live in the Cherokee Nation before the war.
Q How long had George Starr been in the state of Texas when the war came up? A. I am not able to tell you.
Q Did you see him in Texas before the war? A. No sir I saw him in time of the war.
Q Do you know where George Starr was when the war commenced? A. No sir
Q Do you know where Jesse Rowe was when the war commenced? A. No sir.

PARMELIA ROWE, the applicant, recalled (By Com'r Needles)

Q Mrs. Rowe, was your husband with you when you came in 1866? A. No sir, I was with another man partly children off from my husband, he was out preaching in Texas.
Q You say your owners name was Jesse Mayfield? A. Yes sir.
Q Have they returned to the Cherokee Nation? A. My old Master didn't he died in Texas.
Q Has Sallie returned? A. She died.
Q Where did she die? A. It got out in the papers, I dont know where she died.
Q You dont know whether she was ever readmitted to Cherokee citizenship A. No sir.
Q You dont know anything about that? A. No sir.
Q Did Sallie have any children, Sallie Mayfield? A. Yes sir.
Q Did they ever come back? A. Some of them come back.
Q And some of them did not? A. Yes sir, they would come here and go back.
Q You knew your old Master down in Texas didn't you? A. Yes sir.
Q He had a farm down there? A. Yes sir.
Q Did he ever hold any office down there among those people? A No sir not as I knew of.
Q Well, at the time your husband was preaching over the country he had a home with you in Texas? A. Yes sir, we just rented white folks lands.
Q Lived there? A Yes sir, but my husband came back here, I think they said in '67.
Q. Did he bring you with him? A No sir
Q He came up here preaching? A Yes sir.
Q And went back to Texas? A. Yes sir.

(By Mr. Davenport)

Q You and your family moved about ten or twelve years ago to the Nation Wasn't Sallie Mayfield living in and near Overton Texas ~~then~~ you and your family come from Texas; wasn't she living in or near Overton, in the state of Texas? A She come from here and went to Overton.
Q Wasn't she living there? A Yes sir, she come back here.
Q Wasn't that her home and wasn't her children living there? A. I told you as near as I can, she came here in the spring and in the fall she would go back to Texas; that is the way she done.

(By Com'r Needles)

Q And you never drew any money for any of the children did you?
A No sir.
Q Nor yourself either? A No sir.

Com'r Needles.- Parmelia Rowe applies for the enrollment of herself and her three children, to-wit: Nancy, Saline and Colie; their names do not appear upon any of the rolls of the Cherokee Nation now

in the possession of the Commission, after a thorough examination and they cannot be found thereon. She avers that she was a slave of Sallie and Jesse Mayfield, who removed with her to the State of Texas when she was a child and she grew up in the State of Texas and married there to one Jesse Rose, and [illegible] to be a Cherokee Freedman. She avers that in 1866 she came to the Cherokee Nation in search of her father, leaving her family at home and returned. She avers that her said children were all born in the State of Texas and that she returned with her family in 15 years ago, and has been living ever in the Cherokee Nation ever since. The testimony fails to show that the applicant returned in the year 1866 with her family and that although she herself came to the Cherokee Nation in 1866 for a short time and returned to Texas, the testimony fails to show that the said return was in accordance with the spirit or either letter of the provisions of the treaty of 1866 permitting Cherokee Freedmen who returned within the time specified to become citizens of the Cherokee Nation, but under the circumstances the said Rose and her three children as enumerated herein will be tested for enrollment as Cherokee Freedmen upon a doubtful card, because of the fact that the testimony in her case has not all been presented, by her attorney asserting that he has three witnesses that he desires to introduce. The final decision of the Commission will be made known to the applicant at her post office address.

* * * * * * * *

J. G. Rosson, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

(Signed) J. G. Rosson

Subscribed and sworn to before me this 6th day of June, 1901.

(Signed) T. B. Needles,
Commissioner.

§ § § §

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 28 1901

File with Martha Lyons, S. T. B. 785

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 1902.

In the matter of the application of Pamelia Rowe, C. N. D. 841.

SUPPLEMENTAL TESTIMONY.

Appearances:
James A. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

James M. Bell, being first duly sworn before Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A James M. Bell.
Q How old are you? A 69.
Q Where do you live? A Delaware district, Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Ever since 1839.
Q Have you ever been outside of the Cherokee Nation and if so where? A My father moved to Texas in '47 to Rusk county.
Q When did you return from Texas? A In '58, after his death.
Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first got acquainted with her? A In the Cherokee Nation.
Q Did she ever live anywhere except in the Cherokee Nation? A She moved to Texas.
Q When did she move to Texas? A In '47.
Q How long did she live in Texas? A She lived there until after the war.
Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
Q Do you know the names of any of them? A No sir.
Q Do you know Pamelia Rowe? A No sir.
Q Do you know Jess Rowe? A Yes sir.
Q Where did you know him? A In Texas.
Q Did he have a wife at that time? A I dont know exactly about that.
Q Did you ever know a colored woman that belonged to Aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.
Q Where was she when you knew her? A In Texas, she was cooking there.
Q Was that before or after the war? A That was before and after both.
Q Where was Aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
Q Do you know what year Aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.
Q Who did Jess Rowe belong to? A George Starr.
Q Where did he live at the breaking out of the war? A In Texas, Rusk County.
Q When did he go to Texas? A In '47, my father's family went with him.
Q Did he have Jess Rowe with him when he went there? A Yes sir, that is my impression—he was there and grew up there.
Q Do you know anything about where Jess was at the close of the war? A No sir, I am not certain where he was then.
Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
Q What year was that? A '47.
Q And they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.
(By Smith)
Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens, I think they were considered citizens of Texas.
Q What did they claim, I am not asking you for your opinion? Well

They were Cherokees by blood.
Q They had moved from this country? A Yes sir.
Q And they still claimed to be citizens of this country? A No sir, they voted there to my knowledge.
Q How do you know? A They had election there and they voted.
Q Did you see them vote? A I dont know as I saw specially the one they voted, but they voted.
Q How do you know if? A They were recognized as citizens and paid taxes and were old enough, and every one down there who was old enough voted.
Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.
Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.
Q Do you know it? A Yes sir as well as I know anything that I didn't see.
Q As well as you know anything that you dont know? A I reckon a things sometimes that he dont see.
Q You dont know anything that is in favor of these freedmen to vote? A If I did and was asked about it I would tell it.
Q Have you ever testified in behalf of a single one of them here?
Q I have not directly, I have not been called upon.
Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been, and I think I have a right to.
Q You dont really know what these fellows did in Texas as to voting or not do you? A I am pretty sure that they voted.
Q You can say if they did or did not?
A I can say they did.
Q Did you see them? A No sir.
Q How do you know then that they voted? A They were citizens there.
Q How do you know that? A They owned property there and were taxed.
Q How do you know that they were taxed? A The assessor went round and taxed everybody.
Q Do you know that George Starr was taxed? A I have every reason to believe that he was.
Q You dont know that Sallie Mayfield was taxed? A I think that they were taxed.
Q You dont know it thought? A Well as a man can know it I do.
Q Did they ever come back to the Cherokee Nation? A Yes sir.
Q They were recognized as citizens when they did come back here? A They were re-admitted then.
Q They were recognized there? A Yes sir.
Q You dont know where Jesse Rowe was in '66? A No sir.
Q You dont know where Permelia Rowe was in '66? A No sir.
(By Davenport.)
Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.
Q You would not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

JOHN STARR, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport.)
Q What is your name? A John Starr.
Q What is your post office address? A Tahlequah.
Q What is your age? A 58.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where did you live before you came to the Cherokee Nation? A Texas, Lamar county.

Q What was your father's name? A George Starr.
Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first recollect? A In Texas.
Q Did she own any slaves in Texas? A Yes sir, several.
Q Do you remember the names of any of them? A Of some of the older ones.
Q Did they own a woman named Phillis? A Yes sir.
Q Did she have any children? A Yes sir I think she had some children.
Q Do you know Jess Rowe? A Yes sir.
Q Who did he belong to? A To my father.
Q Do you know if your father had him with him when he went to Texas in '47? A That is before I recollect.
Q Where was Jess when you could first remember? A He was living there with us in Texas.
Q Who did Phillis belong to? A To aunt Sallie Mayfield.
Q Do you know where Jess Rowe and his family were when the war broke out? A He was living with us when the war broke out.
Q Where were you living at that time? A Rusk County Texas.
Q You were born in Texas, yourself? A Yes sir.
Q Have you seen Jess Rowe since he came to this country? A Yes sir.
Q Do you know him to be the same Jess Rowe that belonged to your father in Texas? A Yes sir the same Jess Rowe.
Q Have you seen his wife since he came here? A I guess I have I dont know as I know his wife exactly though.
Q When did you come to the Territory after the war? A In 1868.
Q Where was Jess Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A There.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jess Rowe in this country? A 10 or 11 years ago.
Q Did he have his family with him at that time? A I dont know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the state of Texas I guess.
Q Were you recognized as citizens of the Nation when you came back? A He had to be re-admitted as a citizen of the Cherokee Nation on his return in my understanding.
(By Smith)
Q How many slaves did your father have, Mr. Starr? A 50 or 60.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 15 or 16 years old.
Q A Boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A We left Texas in the spring of '68.
Q Were you at home all the time there? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Marvin, close to where we lived I went there one or two sessions and part of the time I boarded with aunt Sallie Mayfield, who lived closed than we did.
Q Where was Jess Rowe when you were boarding with aunt Sallie Mayfield? A At home on our farm.
Q How far was your farm from your aunt Sallie Mayfield's? A Six or seven miles.
Q Did you have any special reason for recollecting Jesse Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
Q As far as Jess Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '65, '6 and '7? A Not by anything particular, but they

was all there like the other slaves and I thought he was there too.
Q Where was Parmelia Rowe? A She was there.
Q Was that Jess' wife? A I think she was, he married one of aunt Sallie Mayfield's nigroes.
Q Where had your family gone from to Texas? A Cherokee Nation
Q They were citizens here? A Yes sir.
Q Did they have any property here? A They sold it I understand and went to Texas.
Q Where had your aunt Sallie Mayfield lived before she went to Texas? In the Cherokee Nation I have been told.
Q Did she ever come back? A Yes sir.
Q They were recognized as citizens here? A She lived here a while and then went back to Texas.
Q She was a Cherokee by blood? A Yes sir.
Q Was your father a Cherokee? A Yes sir.
(By the Commission)
Q Where was Jess born? A I dont know, he is older than I am.
Q Was Jess taken to Texas when your father went there? I suppose he was, I dont know, I was born in Texas in 1849.
Q You dont know where Jess was born? A No sir.
(By Davenport)
Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A.
BY MR. SMITH: " The applicant's object to the testimony as to the re-admission for the reason that the record would be better evidence.
(By Davenport of witness)
Q You don't know what took place as to their citizenship? A No sir
Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.
Q When your father came back here did he have any property here? A No sir.
(By Smith)
Q You were born in Texas? A Yes sir.
Q You are a citizen of the Cherokee Nation now? A Yes sir.
Q By blood? A Yes sir.
Q You came here from the State of Texas? A Yes sir.
(By Davenport)
Q Your understanding is that it was after your return that you were re-admitted? A Yes sir.
(By the Commission)
Q How did you get to be a Cherokee citizen if you were born in Texas?
Q After father was re-admitted I suppose the whole family was re-admitted with him.

* * * * * * * * * * * * * *

This will be filed in Cherokee freedman cases D-681; D-682; D-683; D-684; D-685; D-728; D-960; D-1016; D-1014; D-1024 and D-1063.

* * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 19th of October, 1901.

Commissioner.

PER CO HOLYOKE MA

FILED
MAR 22 1902

ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Martha Lyons,
Ketchum, I. T.
Cherokee-F-D-728.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

F. D. 7 1 8

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of SEP 23 1901, 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Martha Lyons for enrollment as Cherokee Freedmen:

Case No. F. D. 728

To Martha Lyons or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

ID 728

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 1901
ACTING C

FORM OF APPLICATION.

CHEROKEE NATION.

Date 1901

Post Office ..... Tahlequah, I.T.

Enrolled .....

1. Name [illegible]

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Martha Lyons Age 24

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Jesse Rowe Citizenship .....

Mother Permelia Rowe - living Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Chas Lyons, husband Stenographer Chas. von Weise

Mellette and Smith attys.

Reg D 203 D 681

COPY.

Cherokee Freedmen
D-[illegible].

Muskogee, Indian Territory, May 8, 1894.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Permelia Ross et al., including the Commission's decision dated April 30, 1894, rejecting the applications for the enrollment of Permelia, Nancy, Selena, Celia, Jesse, Joseph, Pollie, Clarinda, Sam, Lewis and Jesse Ross Jr., Adam, Alverta, Pearly and Elliford Seals, Martha Lynch, Arre and Ian Ray, Mary, Claude, Joseph and Vlessie M. Wilson and Savannah Ross as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-196.

COPY.

Cherokee Freedmen
D-441.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Permelia Reese et al., rejecting the applications for the enrollment of Permelia, Nancy, Selena, Sallie, Jesse, Joseph, Pollie, Clarinda, Sue, Lena and Jesse Reese Jr., Admi, Alverta, Pearly and Clifford Beale, Martha Lyons, Arve and Ina Ray, Mary, Claude, Joseph and Phoenie M. Wilson and Savannah Reese as Cherokee Freedmen.

The dec sion, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-197.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-Sal 98 Ed.

Muskogee, Indian Territory, May 9, 1906.

Edgar Smith,
Attorney for Permelia Rose et al,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1906, in the consolidated case of Permelia Rose et al, rejecting the applications for the enrollment of Permelia, Nancy, Salem, Celia, Jesse, Joseph, Willie, Clarinda, Sam, Lena and Jesse Rose Jr., Adam, Elverta, Pearly and Clifford Scale, Martha Lynn, Arry and Ina Roy, Mary, Claude, Joseph and Phoebe E. Tilman, and Jerusha Rose as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T.B.Needles.

Commissioner in Charge.

Register
Enc. D-1254.

COPY.

Cherokee Freedman
D-722.

Muskogee, Indian Territory, May 6, 1904.

Martha Lyons,
Ketchum, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. D-195.

Refer in reply to
the following:
Land
[illegible]-1904

COPY

Department of the Interior,
Office of Indian Affairs,
Washington, May 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commissioner to the Five Civilized Tribes, dated May 4, 1904, transmitting for your consideration, the application of Pomelia Rowe, et al., consolidating the applications of

Pomelia Rowe,	Cherokee Freedman,	D. [illegible]
Jesse Rowe, et al.,	"	"	D. [illegible]
Arve Ray, et al.,	"	"	D. [illegible]
Mary Vilson,	"	"	D. [illegible]
Savannah Rowe,	"	"	D. [illegible]
Martin Lyons,	"	"	D. [illegible]
Jesse Rowe, et al.,	"	"	D. [illegible]
Joseph Rowe, et al.,	"	"	D. [illegible]

for enrollment as Cherokee Freedmen.

April 20, 1904, the Commission rejected the applicants.

From an examination of the records in the several applications it appears therefrom that applications were made to the Commission for enrollment as Cherokee Freedmen by Pomelia Rowe for herself and her three minor children, Nancy, Salem, and Calie Rowe; by Jesse Rowe, Jr. for himself; by Arve Ray for herself and her minor daughter,

Lee Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Francis E. Wilson; by Savannah Moore for herself; by Elias Lyons for his wife Martha Lyons; by Jesse Rowe for herself and four minor grandchildren, Edward, Alverta, Pearley and Clifford Seale; and by Joseph Rowe for himself and his wife Polly Rowe, and two minor children Florinda and Cora Rowe. It is stated in the decision of the Commission that a copy of the testimony taken at different times and places in Muskogee November 5, 1894, is filed herewith and made a part of the record in this case.

The evidence in these cases shows that Jesse Rowe and Permelia Rowe are husband and wife, and that they were at one time slaves of a Cherokee citizen who, prior to the commencement of the rebellion, removed to the State of Texas; taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Soldom Rowe, Sylis Rowe, Jesse Rowe, Jr., Lyon Ray, Lucy, Mary Wilson, Claude Wilson, Joseph Wilson, Francis E. Wilson, Savannah Moore, Martha Lyons, Edward (Edmund) Seale, Alverta Seale, Pearly Seale, Clifford Seale and Joseph Rowe, are children and grandchildren of the said Jesse Rowe and Permelia Rowe, have been since the commencement of the rebellion, and have only such rights as may be possessed by said Jesse Rowe and Permelia Rowe; that the applicants, Charmdi Rowe, Cora Rowe, and Lorna Rowe, are the minor children of and claim their rights to enrollment through their parents, the said Joseph Rowe, and Polly Rowe; that the said Polly Rowe was born since 1866 and is the daughter of and claims her right through Judith Chambers.

It further appears from the evidence in the case that neither the said Nancy Rowe, nor Permelia Rowe, returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation, and that the said Polly Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said nation at the commencement of the rebellion.

Some of the applicants can be identified on the 1880 authenticated Cherokee roll.

It is therefore recommended that the applications for enrollment of Permelia Rowe, Nancy Rowe, Salena Rowe, Sallie Rowe, Frank Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Minnie M. Wilson, Savannah Rowe, Martha Lyons, Jesse Rowe, Admi (Admiah) Seals, Alverta Seals, Pearley Seals, Clifford Seals, Joseph Rowe, Pallie Rowe, Clarinda Rowe, Ona Rowe and Lorna Rowe as Cherokee freedmen be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats. 495), and that it be so ordered.

Very respectfully,

(Signed) R. G. Tonner,

Acting Commissioner.

JTM

E

[illegible] 1904. [illegible] W.O.T.

I.T.D. [illegible] 1904. [illegible] W.P.

E.E.S. [illegible] WDM

[illegible] May [illegible], 1904.

[illegible]

Muskogee, Indian Territory.

[illegible]

May 6, 1904, you transmitted the papers in the consolidated Choctaw-Chickasaw case of Perryman [illegible] et al (C-688), including your decision of April 20, 1904, rejecting the applications for the enrollment of Reynolds, Henry, Salena, Colin, Jesse, Joseph, Dollie, Clarinda, Ora, Iowa and Jesse Rose Fry, Annie, Alvaria, Pearly and Clifford Seale, Martha Lyons, Arra and Ina May, Mary, Claude, Joseph and Minnie M. Wilson and Savannah Rose.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 Inclosure.

[illegible]

[illegible]

Washington, [illegible] Territory, June 7, 1904.

Martin Lyons,

Keshum, Indian Territory.

Dear Sir:

We are hereby advised that the [illegible]'s decision dated April 20, 1904, rejecting among others, your application for enrollment as a Cherokee freedman, was approved by the Secretary of the Interior on May 28, 1904.

Respectfully,

[illegible]

[illegible] Freedman
[illegible], et al.

[illegible], Indian Territory, June 7, 1906.

Miss Smith,

Attorney for Joseph Bond, et al.,

[illegible], Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner's decision dated April 30, 1906, rejecting the applications for the enrollment of Joseph, Julia, Clayton, Ben, Lena, Frank, Jane, Jr., Permelia, Henry, Wilson and Willie Bond, Adam, Alberta, Hardin and Clifford Hale, Martin Lyons, Raymond Walker, Mary, Charles, Joseph and Maggie E. Tilsey, and Arthur and Ida May as Choctaw freedmen, was affirmed by the Secretary of the Interior on May 30, 1906.

Respectfully,

[illegible].

Cherokee Freedmen
D.1026, et al.

Muskogee, Indian Territory, June 7, 1909.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Joseph, Polly, Sherman, Sam, Lena, Mary, Jane, Jr., Permelia, Nancy, Salem and Julia Bone, Adam, Sherman, Pearley and Clifford Neal, Nathan Lyons, Cornelia Bone, Mary, Simon, Joseph and Minnie M. Wilson, and Ara and Tom Bay as Cherokee Freedmen, was affirmed by the Secretary of the Interior on May 24, 1904.

Respectfully,

Chairman.

See Cher.Fr. R-361

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., June 11th, 1901.

In the matter of the application of Savannah Reese for enrollment as a Cherokee freedman, said Reese being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Savannah Reese.
Q How old are you, Savannah? A 20 years old.
Q What is your post office? A Vinita.
Q What district do you live in? A Cowetoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to apply for besides yourself? A No one. My husband enrolled my baby with him.
Q You are married? A Yes, sir.
Q What is your husband's name? A Jim Reese.
Q Is he a citizen? A Yes, sir.
Q What is your father's name? A James Rowe.
Q Your mother's name? A Permelia Rowe.
Q Where were you born? A In Texas.
Q How long have you lived in the Cherokee Nation? A We came here in 1892.
Q You have been living here continuously since 1892? A Yes, sir.
Q Did you ever draw any money from the Cherokee Nation?
A No, sir.
Q Never recognized by the authorities of the Cherokee Nation?
A No, sir.

The Tribal Rolls of freedmen citizens of the Cherokee Nation examined and applicant's name not found thereon.

COM'R NEEDLES: Savannah Reese applies for the enrollment of herself. She cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of this Commission. She avers that she is married to one James Reese a citizen of the Cherokee Nation who has already been enrolled. She avers that she has the child with who was listed for enrollment with her husband, James Reese. She avers that she was born in the State of Texas and never returned here until ten or 12 years ago with her mother, Permelia Rowe. Said Permelia Rowe has been listed this day for enrollment as a Cherokee Freedman on Doubtful card #681, and the testimony taken in her case will be made part of the record in the case at bar and a copy thereof will be filed herewith. She will be listed for enrollment as a Cherokee Freedman upon a doubtful card. She will be duly notified of the decision of the Commission when the same is arrived at.

---oo0Ooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this 25th day of June, 1901.

Commissioner.

SMKeR.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Permelia Rowe, et al., as Cherokee Freedmen, consolidating the applications of--

Permelia Rowe, et al.,	Cherokee Freedmen D- 481.
Jesse Rowe, Jr.,	Cherokee Freedmen D- [illegible].
Arre Ray, et al.,	Cherokee Freedmen D- [illegible].
Mary Wilson, et al.,	Cherokee Freedmen D- 604.
Savannah Reese,	Cherokee Freedmen D- [illegible].
Martha Lyons,	Cherokee Freedmen D- 723.
Jesse Rowe, et al.,	Cherokee Freedmen D- 940.
Joseph Rowe, et al.,	Cherokee Freedmen D-1614.

-:O:-

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Permelia Rowe for herself and her three minor children, Nancy, Salena and Celia Rowe; by Jesse Rowe, Jr., for himself; by Arre Ray for herself and her minor daughter, Ina Ray; by Mary Wilson for herself and her three minor children, Glenda, Joseph and Flossie M. Wilson; by Savannah Reese for herself; by Eliza Lyons for his wife, Martha Lyons; by Jesse Rowe for himself and his four minor grand-children, Adami, Alverta, Pearley and Clifford Seals, and by Joseph Rowe for himself, his wife, Pellie Rowe, and two minor children, Clarinda, and Ona Rowe; that subsequent to the date of the last-mentioned application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lena Rowe. A copy of the testimony taken at different times and places in Cherokee Freedmen D-1614 is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rowe and Permelia Rowe are husband and wife and that they were at one time the slaves of Cherokee citizens who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Salena Rowe, Celia Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Glenda Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Adami Seals, Alverta Seals, Pearley Seals, Clifford Seals and Joseph Rowe are the children and grand-children of the said Jesse and Permelia Rowe, have been born since the commencement of the rebellion, and take only such rights as may be possessed by the said Jesse Rowe and Permelia Rowe; that the applicants, Clarinda Rowe, Ona Rowe and Lena Rowe, are the minor children of and claim their right to enrollment through their parents, the said Joseph Rowe and Pellie Rowe; that the said Pellie Rowe was born since 1866 and is the daughter of and claims her right to enrollment through Judith Chambers.

It further appears from the evidence herein that neither the said Jesse Rowe nor Permelia Rowe returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 2, 1896, in the case of Reese Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the said Pellie Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1896 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Permelia Moore, Nancy Moore, William Moore, Celia Moore, Jesse Moore, Jno. Arno Moore, Ida Bell Moore, Mary [illegible], Cornelia Williams, Jessie Williams, Gilmore M. Williams, Edward Moore, Martha [illegible], Joseph Moore, Annie Moore, Jerusha Moore, Fourteen Moore, Guilford Moore, Joseph Moore, Pauline Moore, Charlotte Moore, Ann Moore and Lucy Moore be denied, under the provisions of section 1 subsection 4 of the act of Congress approved June 28, 1906 (34 Stats., 539), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed _____ Tams Bixby, Chairman.

Signed _____ T. B. Needles, Commissioner.

Signed _____ C. R. Breckinridge, Commissioner.

Muskogee, Indian Territory,

APR 20 1906

DENIED

File with Savannah Reese, C. P. D. 246.

Department of [illegible]
Commission to [illegible]
Vinita, I. T., [illegible]

In the matter of the enrollment [illegible] Nowata, C. P. D. 246.

Testimony [illegible]

Appearances:
James S. Davenport for [illegible] Nation.
No[illegible] & Smith for [illegible]

James H. Fall, being first [illegible] Marion P. Bo[illegible], certified as follows on the [illegible] Cherokee Nation:

(By Davenport.)

Q What is your name? A James H. Fall.
Q How old are you? A 68.
Q Where do you live? A Near [illegible], Cherokee Nation.
Q How long have you lived [illegible] Cherokee Nation? A Ever since [illegible].
Q Have you ever been [illegible] Cherokee Nation and if so when?
A My father moved to [illegible] country.
Q When did you return from [illegible] after his death?
Q Did you know a lady [illegible] Sallie Mayfield? A Yes sir.
Q Where did she live when you lived not acquainted with her? A In the Cherokee Nation.
Q Did she ever live anywhere except in the Cherokee Nation? A She moved to Texas.
Q When did she move to Texas? A In '47.
Q How long did she live in Texas? A She lived there until after the war.
Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
Q Do you know the names of any of them? A No sir.
Q Do you know Permelia Rowe? A No sir.
Q Do you know Jess Rowe? A Yes sir.
Q Where did you know him? A In Texas.
Q Did he have a wife at that time? A I don't know exactly about that.
Q Did you ever know a colored woman that belonged to aunt Sallie Mayfield named Phillis? A Yes sir I know old Phillis.
Q Where was she when you knew her? A In Texas, she was cooking there.
Q Was that before or after the war? A That was before and after both.
Q Where was aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
Q Do you know what your aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.
Q Who did Jess Rowe belong to? A George Starr.
Q Where did he live at the breaking out of the war? A In Texas, Rusk County.
Q When did he go to Texas? A In '47, my father's family went with him.
Q Did he have Jess Rowe with him when he went there? A Yes sir, that is my impression--he was born and grew up there.
Q Do you know anything about where Jess was at the close of the war? A No sir I am not certain where he was then.
Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
Q What year was that? A '47.
Q And they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.

(By Smith.)

Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens, I think they were considered citizens of Texas.
Q What did they claim, I am not asking you for your opinion? well

They were Cherokees by blood.
Q They had moved from this country? A Yes sir.
Q And they still claimed to be citizens of this country? A Yes sir.
They voted there to my knowledge.
Q How do you know? A They took [illegible] there and they voted.
Q Did you see them vote? A I don know as I can exactly the time they voted but they voted.
Q How do you know it? A They were recognized as citizens and paid taxes in those old counties and every one down there who was old enough voted.
Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.
Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.
Q Do you know it? A Yes sir as well as I know anything that I didn't see.
Q As well as you know anything that you dont know? A A mans know things sometimes that he dont see.
Q You dont know anything that is in favor of these freedmen do you? A If I did and was asked about it I would tell it.
Q Have you ever testified in behalf of a single one of these people? A I have not directly, I have not been called upon.
Q You have been right active in testifying in favor of the Cherokee Nation? A As well as my knowledge of the facts goes I have been, and I think I have a right to.
Q You dont really know what these folks did in Texas as to voting or not do you? A I am pretty sure that they voted.
Q You can say if they did or did not?
A I can say they did.
Q Did you see them? A No sir.
Q How do you know that they voted? A They were citizens there.
Q How do you know that? A They owned property there and were taxed.
Q How do you know that they were taxed? A The assessor went round and taxes everybody.
Q Do you know that George Starr was taxed? A I have every reason to believe that he was.
Q You dont know that Sallie Mayfield was taxed? A I think they were taxed.
Q You dont know it though? A Well, as a man can know it I do.
Q Did they ever come back to the Cherokee Nation? A Yes sir.
Q They were recognized as citizens when they did come back home? A They were readmitted them.
Q They were recognized then? A Yes sir.
Q You dont know where Jane Rowe was in '66? A No sir.
Q You dont know where Permelia Rowe was in '66? A No sir.
(By Davenport)
Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.
Q You would not have failed to do so I suppose if they had had you subpoenaed to testify, would you? A No sir.

Exhibit Smith, being first duly sworn by Com'r T. B. Needham, testified as follows on the part of the Cherokee Nation:
By Davenport:
Q What is your name? A Zeek Starr.
Q What is your post office address? A Tahlequah.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Where did you live before you came to the Cherokee Nation? A Texas, Bosque county.

Q [illegible] your [illegible]
Q [illegible] a [illegible]
Q [illegible]
Q [illegible]
Q Do you remember [illegible]
Q Did they own a [illegible]
Q Do you have any [illegible] had some children.
Q [illegible]
Q [illegible] belong to [illegible]
Q Do you know if your [illegible] with [illegible] he went to Texas
A [illegible] is [illegible]
Q [illegible] Jess [illegible] you [illegible] remember? A He was living there with me in Texas.
Q Who had Phillis belong [illegible]
Q Do you know where Jess [illegible] when the war broke out? A He was living [illegible]
Q Where were you living [illegible] Texas.
Q You were born in Texas [illegible]
Q Have you seen Jess R[illegible] A No sir.
Q Do you know him to be [illegible] to your father in Texas? A Yes [illegible]
Q Have you seen his wife [illegible] A I guess I have I don't know as I know his wife [illegible].
Q When did you come to the [illegible] after the war? A In 1868.
Q Where was Jess Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A There.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jess here in this country? A 10 or 12 years ago.
Q Did he have his family with him at that time? A I didn't know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a [illegible] of the State of Texas I guess.
Q Were you recognized as citizens of the Nation when you came back?
Q He had to be re-admitted as a citizen of the Cherokee Nation on his return is my understanding.

(By Smith)

Q How many slaves did your father have, Mr. Scott? A 30 or 40.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 10 or 12 years old.
Q A Boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A We left Texas in the spring of 1868.
Q Were you at home all the time then? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Colvin, close to where we lived. I went there one or two sessions and part of the time I boarded [illegible] called Mayfield, and lived closer than we did.
Q Where was Jess Rowe when you came to Texas with your Sallie Mayfield? A At home on our farm.
Q How far was your farm from your [illegible] Sallie Mayfield's? A Six or [illegible] miles.
Q Did you have any special reason for remembering Jesse Rowe during that time, or did you just know that he was one of your father's slaves? A He was there on the [illegible].
Q As far as Jess Rowe himself is concerned, can you state from your own knowledge and recollection [illegible] all the time during the years '66, '67 and '77? A [illegible] particular, but they

was all there like the other [illegible] and I thought he was there too.
Q Where was Permelia [illegible] born?
Was that Jesse's wife? A I think she was; he married one of your Sallie [illegible]'s nieces.
Q [illegible] A [illegible]
[illegible] citizens [illegible]
Q [illegible] they have any property here? A They did it I understand and [illegible] to Texas.
Q [illegible] your aunt Sallie [illegible] lived before she went to Texas? [illegible] Cherokee Nation [illegible]
Q [illegible]
Q [illegible] lived here a while and then went back to Texas.
Q She was a Cherokee by blood? A Yes sir.
Q Was your father a Cherokee? A Yes sir.
(By the Commission)
Q Where was Jesse born? A I dont know; he is older than I am.
Q Was Jesse taken to Texas when your father went there? A I suppose he was; I dont know; I was born in Texas in '60.
Q You dont know where Jesse was born? A No sir.
(By Davenport)
Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A-
BY MR. SMITH: " The applicant's objection to the testimony as to the re-admission for the reason that the record could be better evidence.
(By Davenport or witness)
Q You don't know what took place as to their citizenship? A No sir
Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.
Q When your father came back here did he have any property here? A No sir.
(By Smith)
Q You were born in Texas? A Yes sir.
Q You are a citizen of the Cherokee Nation now? A Yes sir.
Q By blood? A Yes sir.
Q You came here from the State of Texas? A Yes sir.
(By Davenport)
Q Your understanding is that at the time your return that you were re-admitted? A Yes sir.
(By the Commission)
Q How did you get to be a Cherokee citizen if you were born in Texas? A After Father was re-admitted I suppose the whole family was re-admitted with him.

* * * * * * * * * * * * *

This will be filed in Cherokee Freedmen cases D-681;D-682;D-683;D-684; D-685;D-729;D-950;D-1016;D-1014;D-1024 and D-1025.

******

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 16th day of October, 1906.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 28th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 11th, 1901, in the matter of the application of Savannah Reese for the enrollment of herself as a Freedman of the Cherokee Nation.

Mcdonald & Dwight

Attorneys for Applicants.

Cherokee F. #D685.

MAR 21
ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Savannah Reese,
Vinita, I. T.
Cherokee,-F-D-C.S.
Register.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of..... A. D. 190....

Given under my hand this.....

day of..... A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

SEP 23 1901 day of ....., 190....

Mellette & Grant

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the.....day of..... A. D. 190....

.....

Subscribed and sworn to before me this .....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF the application of Savannah Ruse for enrollment as Cherokee Freedmen;

Case No. F. D. 685

To Savannah Ruse or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

B F W 685

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 11 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date [illegible]

Post Office [illegible]

District [illegible]

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father .....

Mother .....

2. Name of wife [illegible] Age [illegible]

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Jesse Rowe — living Citizenship .....

Mother [illegible] — living Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by [illegible] Stenographer J. O. Rosson

Rejected

X Ref D681

Represented by Mellette and Smith

[illegible]

[illegible]

The Commissioner

[illegible]

Sir:

There is herewith transmitted the record of proceedings held in the consolidated case of [illegible], involving the Commissioner's decision [illegible], relative to the enrollment for the enrollment of [illegible], [illegible], [illegible], [illegible], Joseph, Pollie, Clarinda, Geo. [illegible], Alvorina, Pearly and Clifford Neale, [illegible], Mary, Glenda, Joseph and Phoebe M. Wilson and [illegible] Cherokee freedmen.

Respectfully,

T. B. Needles.

Through the Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. 2-192.

COPY.

Cherokee Freedmen
Tribe.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Permelia Rowe et al., rejecting the applications for the enrollment of Permelia, Nancy, Selena, Celia, Jones, Joseph, Polly, Clarinda, Sue, Lena and Jesse Rowe Jr., Adami, Alverta, Pearly and Clifford Scales, Martha Lyons, Arve and Ina Ley, Mary, Elenda, Joseph and Vlennie W. Vilmot and Sarah Rowe as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Exp. D-197.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-191 et al.

Muskogee, Indian Territory, May 9, 1904.

Edgar Smith,
Attorney for Permelia Rowe et als,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 29, 1904, in the consolidated case of Permelia Rowe et al., rejecting the applications for the enrollment of Permelia, Nancy, Selena, Celia, Jesse, Joseph, Pollie, Clarinda, Ona, Lena and Jesse Rowe Jr., Adami, Alverta, Pearly and Clifford Scale, Martha Lynch, Arra and Ina Ray, Mary, Glenda, Joseph and Blessie M. Wilson, and Sarannah Reese as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. D-192.

COPY.

Cherokee Freedman
D-685.

Muskogee, Indian Territory, May 9, 1904.

Savannah Reese,
Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, rejecting, among others, the application for the enrollment of yourself as Cherokee freedman. Your Attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has been this day forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Rec. D-192.

Please be ready to [illegible]
(Use following)

Department of the Interior,
Bureau of Indian Affairs,
Washington, May 31, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 4, 1906, transmitting for your consideration, the application of Permelia Rose, et al., consolidating the applications of

Permelia Rose,	Cherokee Freedman,	P. O.	
Jesse Rose, et al.,	"	"	P. O.
Arra Ray, et al.,	"	"	P. O.
Mary Filson,	"	"	P. O.
Sevannah Rose,	"	"	P. O.
Sarah Lynch,	"	"	P. O.
Jesse Rose, et al.,	"	"	P. O.
Joseph Rose, et al.,	"	"	P. O.

for enrollment as Cherokee Freedmen.

April 20, 1906, the Commission rejected the applicants.

From an examination of the records in the several applications it appears therefrom that applications were made to the Commission for enrollment as Cherokee Freedmen by Permelia Rose for herself and her three minor children, Nancy, Solom, and Celia Rose; by Jesse Rose, Jr. for herself; by Arra Ray for herself and her minor daughter,

Ross Foy; by Mary Wilson for herself and her three minor children, Claude, Joseph and Blessie M. Wilson; by Savannah Ross for herself; by Allen Lyons for his wife Martha Lyons; by Jesse Ross for himself and four minor grandchildren, Adami, Alverta, Pearley and Clifford Seale; and by Joseph Ross for himself and his wife Polly Ross, and two minor children Clarinda and Sam Ross. It is stated in the decision of the Commission that a copy of the testimony taken at different times and places in Cherokee Freedman D. No. 1014, is filed herewith and made a part of the record in this case.

The evidence in these cases shows that Jesse Ross and Permelia Ross are husband and wife, and that they were at one time slaves of a Cherokee citizen who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Ross, Salome Ross, Celia Ross, Jesse Ross, Jr., Ann Ray, Ima Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Blessie M. Wilson, Savannah Ross, Martha Lyons, Adami (Admiah) Seale, Alverta Seale, Pearly Seale, Clifford Seale and Joseph Ross, are children and grandchildren of the said Jesse Ross and Permelia Ross, have been since the commencement of the rebellion, and take only such rights as may be possessed by said Jesse Ross and Permelia Ross; that the applicants, Clarinda Ross, Sam Ross, and Lorna Ross, are the minor children of and claim their rights to enrollment through their parents, the said Joseph Ross, and Polly Ross; that the said Polly Ross was born since 1866 and is the daughter of and claims her right through Judith Chambers.

It further appears from the evidence in the case that neither the said Jenny Rowe, nor Permelia Rowe, returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation, and that the said Polly Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said nation at the commencement of the rebellion.

None of the applicants can be identified on the 1880 authenticated Cherokee Roll.

It is therefore recommended that the applications for enrollment of Permelia Rowe, Jenny Rowe, Salem Rowe, Sallie Rowe, Jesse Rowe, Jr., Arra Ray, Ida Ray, Mary Wilson, Clarke Wilson, Joseph Wilson, Nicholas M. Wilson, Savannah Rowe, Martha Lyons, Jesse Rowe, Adam (Adamish) Seals, Alvarie Seals, Dearley Seals, Clifford Seals, Joseph Rowe, Pollie Rowe, Charlie Rowe, Ida Rowe and Lorna Rowe as Cherokee freedmen be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats. 495), and that it be so ordered.

Very respectfully,

(Signed). A. C. Tonner,

Acting Commissioner.

JTH

8

[illegible]

[illegible] DEPARTMENT OF THE INTERIOR,

[illegible] WASHINGTON.

[illegible]

May 26, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 5, 1904, you transmitted the record in the consolidated Cherokee freedman case of Permelia Rowe, et al (Dowell), including your decision of April 26, 1904, rejecting the applications for the enrollment of Permelia, Henry, Salena, Celia, Jesse, Joseph, Louisa, Clarinda, Ora, Lena and Frank Rowe Jr., Adam, Riverta, Beverly and Clifford Scaly, Martha Lyons, Amy and Ina May, Mary, Claude, [illegible] and Fleeta M Wilson and Savannah Rogers.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

2 inclosure. Acting Secretary.

Mdg

COMMISSIONERS
TAMS BIXBY
THOMAS B. MARSHALL, CHAIRMAN
C. R. BREAKINRIDGE

WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
925

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 7, 1904.

Savannah Reese,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 28, 1904.

Respectfully,

Chairman.

Cherokee Freedman
W. C.

Muskogee, Indian Territory, June 7, 1906.

Joseph Kemp, Jr.,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner's decision dated April 20, 1906, rejecting among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 28, 1906.

Respectfully,

Chairman.

Cherokee Freedmen
R 605

Muskogee, Indian Territory, June 7, 1906.

Arra May,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1906, rejecting, among others, your application for the enrollment of yourself and your minor child, Ina May, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 28, 1906.

Respectfully,

Chairman.

Commissioner Freeman
D 756

Washington, Indian Territory, June 7, 1904.

Mary Wilson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commissioner's decision dated April 30, 1904, rejecting, among others, your application for the enrollment of yourself and your three minor children, Olenda, Joseph and Minnie M. Wilson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 26, 1904.

Respectfully,

Enrollment.

Cherokee Freedman
R-308

Muskogee, Indian Territory, May 28, 1906.

Savannah Reese,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 9, 1906.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 8, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905, for review in the Cherokee Freedman enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 22, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedman enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. 2-2

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Muskogee

~~Fd 6685~~
R364

Return to Writer.
UNCLAIMED.

~~Savannah Reese,~~

~~Wilita, Indian Territory.~~

MUSKOGEE, I.N.D.
JUN 8
4 — P
1904

FOR PRIVATE USE

WINVITA, I.N.D.T.
JUL 13
11:30AM.
1904

See Cher. Fr. [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., June 11th, 1902.

In the matter of the application of Mary Wilson for enrollment of herself and three children as Cherokee Freedmen, said Wilson being duly sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Mary Wilson.
Q How old are you? A 21.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A I don't know, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children? A Three.
Q Give me the names of your children? A Claude Wilson.
Q How old is Claude? A Six years old.
Q The next child? A Joseph.
Q How old is Joseph? A Three years old.
Q The next child? A Flora May.
Q How old did you say Claude was? A Six years.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Charley Wilson.
Q Is he a citizen? A No, sir.
Q Known as a State man is he? A Yes, sir.
Q What is your father's name? A Jesse Rowe.
Q What is your mother's name? A Permelia Rowe.
Q Where were you born? A Texas.
Q How long have you lived in the Cherokee Nation? A Ten or twelve years.
Q Come to the Cherokee Nation with your mother? A Yes, sir.
Q Is your mother the Permelia Rowe who has just been listed for enrollment? A Yes, sir.

The Tribal Rolls of the Cherokee Nation of Freedmen citizens examined and name of applicant not found thereon.

COM'R NEEDLES: Mary Wilson applies for the enrollment of herself and three children, Claude, Joseph and Flora May. Her name cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of this Commission. She avers that she is the child of Permelia Rowe and Jesse Rowe. Said Permelia Rowe has been this day listed for enrollment on Cherokee Freedman doubtful card #681, and the testimony taken in her case will be made part of the record in the case at bar and a copy thereof filed herewith. Her name and the names of her children will be listed for enrollment as Cherokee Freedman upon a doubtful card. It will be necessary for her to file with this Commission satisfactory proof of the birth of her children, their names not appearing upon any of the rolls of the Cherokee Nation. She will be duly notified of the Decision of the Commission when arrived at.

---oooOOOooo---

J. G. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J G Reason

Subscribed and sworn to before me this June 11th, 1902.

Commissioner.

File with Mary Wilson et al., C. P. D. 224.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 15th 1901.

In the matter of the application of Permelia Rowe, C. P. D. 224.

SUPPLEMENTAL TESTIMONY.

Appearances:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

James M. Bell, being first duly sworn before Com'r T. B. Marples, testified as follows on the part of the Cherokee Nation:

(By Davenport.)

Q What is your name? A James M. Bell.
Q How old are you? A 58.
Q Where do you live? A Delaware District, Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Ever since 1839
Q Have you ever been outside of the Cherokee Nation and if so where? A My father moved to Texas in '47 to Rusk county.
Q When did you return from Texas? A In '58, after his death.
Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first got acquainted with her? A In the Cherokee Nation.
Q Did she ever live anywhere except in the CherokeeNation? A She moved to Texas.
Q When did she move to Texas? A In '47.
Q How long did she live in Texas? A She lived there until after the war.
Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
Q Do you know the names of any of them? A No sir.
Q Do you know Permelia Rowe? A No sir.
Q Do you know Jesse Rowe? A Yes sir.
Q Where did you know him? A In Texas.
Q Did he have a wife at that time? A I dont know exactly about that.
Q Did you ever know a colored woman that belonged to Aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.
Q Where was she when you knew her? A In Texas, she was cooking there
Q Was that before or after the war? A That was before and after both.
Q Where was Aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
Q Do you know when your aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.
Q Who did Jesse Rowe belong to? A George Starr.
Q Where did he live at the breaking out of the war? A In Texas, Rusk County.
Q When did he go to Texas? A In '47, my father's family went with him.
Q Did he have Jesse Rowe with him when he went there? A Yes sir, that is my impression he was there and grew up there.
Q Do you know anything about where Rowe was at the close of the war? A No sir, I am not certain where he was then.
Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
Q What year was that? A '47.
Q Had they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.

(By Smith.)

Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens. I think they were considered citizens of Texas.
Q What did they claim, I am not asking you for your opinion? Well

they were Cherokees by blood.
Q They had moved from this country? A Yes sir.
Q And they still claimed to be citizens of this country? A No sir, they voted there to my knowledge.
Q How do you know? A They had elections there and they voted.
Q Did you get them votes? A I dont know as I can answer the law they voted, but they voted.
Q How do you know it? A They were recognized as citizens and paid taxes and were old enough, and every one down there who was old enough voted.
Q You didnt see them vote? A No sir but I have every reason to believe that they voted.
Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.
Q Do you know it? A Yes sir as well as I know anything that I didn't see.
Q As well as you know anything that you dont know? A I know things sometimes that he dont see.
Q You dont know anything that is in favor of these freedmen do you? A If I did and was asked about it I would tell it.
Q Have you ever testified in behalf of a single one of them here? A I have not directly, I have not been called upon.
Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been, and I think I have a right to.
Q You dont really know what these folks did in Texas as to voting or not do you? A I am pretty sure that they voted.
Q You can say if they did or did not?
A I can say they did.
Q Did you see them? A No sir.
Q How do you know then that they voted? A They were citizens there.
Q How do you know that? A They owned property there and were taxed.
Q How do you know that they were taxed? A The assessor went round and taxes everybody.
Q Do you know that George Starr was taxed? A I have every reason to believe that he was.
Q You dont know that Sallie Mayfield was taxed? A I think that they were taxed.
Q You dont know it though? A Well as a man can know it I do.
Q Did they ever come back to the Cherokee Nation? A Yes sir.
Q They were recognized as citizens when they did come back here? A They were readmitted then.
Q They were recognized then? A Yes sir.
Q You dont know where Jane Rose was in '66? A No sir.
Q You dont know where Permelia Rose was in '66? A No sir.
(By Davenport)
Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.
Q You could not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

ZEEK STARR, being first duly sworn by Dorsey B. Wheeler, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A Zeek Starr.
Q What is your post office address? A Tahlequah.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where did you live before you came to the Cherokee Nation? A Texas, Lamar county.

Q What was your father's name? A [illegible] Rowe.
Q Did you know a lady named [illegible] Mayfield? A Yes sir.
Q Where did she live when [illegible] A In Texas.
Q Did she own any slaves in Texas? A Yes sir, several.
Q Do you remember the names of [illegible] or some of the older ones.
Q Did they own a women named [illegible] A Yes sir.
Q Did she have any children? A [illegible] I think she had some children.
Q Do you know Jesse Rowe? A Yes sir.
Q Who did he belong to? A To my father.
Q Do you know if your father had him with him when he went to Texas in 1837? A That is before I remember.
Q Where was Jesse when you could first remember? A He was living there with us in Texas.
Q Who did Phillis belong to? A To aunt Sallie Mayfield.
Q Do you know where Jesse Rowe and his family were when the war broke out? A He was living with us when the war broke out.
Q Where were you living at that time? A Hunt County Texas.
Q You were born in Texas, [illegible] A Yes sir.
Q Have you seen Jesse Rowe [illegible] come to this country? A Yes sir.
Q Do you know him to be the same Jesse Rowe that belonged to your father in Texas? A Yes sir, the same [illegible].
Q Have you seen his wife since he came here? A I guess I have I dont know as I know his wife exactly though.
Q When did you come to the Territory after the war? A In 1868.
Q Where was Jesse Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A Here.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jesse Rowe in this country? A 10 or 11 years ago.
Q Did he have his family with him at that time? A I dont know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the State of Texas I guess.
Q Were you recognized as citizens of the Nation when you came back?
Q He had to be re-admitted as a citizen of the Cherokee Nation on his return is my understanding.
(By Smith)
Q How many slaves did your father have, Mr. Scott? A 50 or 60.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 15 or 16 years old.
Q A Boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A We left Texas in the spring of '68.
Q Were you at home all the time there? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Sevier, close to where we lived I went there one or two sessions and part of the time I boarded with aunt Sallie Mayfield, she lived closed that we did.
Q Where was Jesse Rowe when you were boarding with aunt Sallie Mayfield? A At home on my farm.
Q How far was your farm from your aunt Sallie Mayfield? A Six or seven miles.
Q Did you have any special reason for recollecting Jesse Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
Q As far as Jesse Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '68, '9 and '70 A Not by anything personally, but they

was old there like the [illegible] slaves and I thought he was there too.
Q There was [illegible] A She was there.
Q Was that dead [illegible] I think she was, he married one of Sallie Murfield's [illegible]
Q Where had your [illegible] come from to Texas? A Cherokee Nation.
Q They were citizens [illegible]? A Yes sir.
Q Did they own any property here? A They sold it I understand and went to Texas.
Q Where had your aunt Sallie Murfield lived before she went to Texas? In the Cherokee Nation I have been told.
Q Did she ever come back? A Yes s'r.
Q They were recognized as citizens here? A She lived here a while and then went back to Texas.
Q She was a Cherokee by blood? A Yes sir.
Q Was your father a Cherokee? A Yes sir.
(By the Commission.)
Q Where was Jess born? A I dont know, he is older than I am.
Q Was Jess taken to Texas when your father went there? I suppose he was, I dont know. I was born in Texas in '48.
Q You dont know where Jess was born? A No sir.
(By Davenport.)
Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A-
BY MR. [illegible]: I the [illegible] object to the testimony as to the re-admission for the reason that the record would be better evidence.
(By Davenport of witness)
Q You don't know what took place as to their citizenship? A No sir
Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.
Q When your father came back here did he have any property here? A No sir.
(By Smith.)
Q You were born in Texas? A Yes sir.
Q You are a citizen of the Cherokee Nation now? A Yes sir.
Q By blood? A Yes sir.
Q You came here from the State of Texas? A Yes sir.
(By Davenport)
Q Your understanding is that it was after your return that you were re-admitted? A Yes sir.
(By the Commission)
Q How did you get to be a Cherokee citizen if you were born in Texas?
Q After father was re-admitted I suppose the whole family was re-admitted also, Sir.

* * * * * * * * * * * * *

This will be filed in Cherokee Pre-emp cases D-631; D-682; D-683; D-684; D-688; D-738; D-968; D-1016; D-1014; D-1024 and D-1065.

* * * * * * * *

Chas. Johnson being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 18th day of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Permelia Rowe, et al., as Cherokee Freedmen, consolidating the applications of:-

Permelia Rowe, et al.,	Cherokee Freedmen D- 332.
Jesse Rowe, Jr.,	Cherokee Freedmen D- [illegible].
Arre Ray, et al.,	Cherokee Freedmen D- [illegible].
Mary Wilson, et al.,	Cherokee Freedmen D- 452.
Savannah Reece,	Cherokee Freedmen D- [illegible].
Martha Lyons,	Cherokee Freedmen D- [illegible].
Jesse Rowe, et al.,	Cherokee Freedmen D- [illegible].
Joseph Rowe, et al.,	Cherokee Freedmen D-1014.

-:O:-

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Permelia Rowe for herself and her three minor children, Nancy, Salem and Celia Rowe; by Jesse Rowe, Jr., for himself; by Arre Ray for herself and her minor daughter, Ina Ray; by Mary Wilson for herself and her three minor children, Cicero, Joseph and Flossie M. Wilson; by Savannah Reece for herself; by Eliza Lyons for his wife, Martha Lyons; by Jesse Rowe for himself and his four minor grand-children, Adami, Alverta, Pearley and Clifford Scale, and by Joseph Rowe for himself, his wife, Pollie Rowe, and two minor children, Clarinda, and Gus Rowe; that subsequent to the date of the last-mentioned application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lena Rowe. A copy of the testimony taken at different times and places in Cherokee Freedmen D-1014 is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rowe and Permelia Rowe are husband and wife and that they were at one time the slaves of Cherokee citizens who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Salem Rowe, Celia Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Cicero Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reece, Martha Lyons, Adami Scale, Alverta Scale, Pearley Scale, Clifford Scale and Joseph Rowe are the children and grand-children of the said Jesse and Permelia Rowe, have been born since the commencement of the rebellion, and take only such rights as may be possessed by the said Jesse Rowe and Permelia Rowe; that the applicants, Clarinda Rowe, Gus Rowe and Lena Rowe, are the minor children of and claim their right to enrollment through their parents, the said Joseph Rowe and Pollie Rowe; that the said Pollie Rowe was born since 1866 and is the daughter of and claims her right to enrollment through Judith Shoshore.

It further appears from the evidence herein that neither the said Jesse Rowe nor Permelia Rowe returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 5, 1896, in the case of Rosie Whitire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the said Pollie Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Permelia Rowe, Nancy Rowe, Salome Rowe, Celia Rowe, Jesse Rowe, Ira, Arra Ray, Ina Ray, Mary Wilson, Clarke Wilson, Joseph Wilson, Minnie K. Wilson, Savannah Rowe, Martha Lynn, Jesse Rowe, Adami Beale, Alverta Beale, Pearley Beale, Hilford Beale, Joseph Rowe, Willie Rowe, Clarinda Rowe, Ora Rowe and Lena Rowe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed _____ Tams Bixby, Chairman.

Signed _____ T. B. Needles, Commissioner.

Signed _____ C. R. Breckinridge, Commissioner.

Muskogee, Indian Territory,

APR 20 1904

F. D. 684

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this ..... day of ..... A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of SEP 23 1901, 190....

Mellette S. Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF the application of Mary Wilson for enrollment as Cherokee Freedmen:

Case No. F. D. 684

To Mary Wilson or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

MAR 24 1904
ACTING LIBRARIAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE IND. TER.

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Wilson,
Vinita, I. T.
Cherokee-F-D-334.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 26 1901

ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALFRED L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 11th, 1901, in the matter of the application of Mary Wilson et al for enrollment as Freedmen of the Cherokee Nation.

Mellott & Dunn

Cherokee F. #5334.

Attorneys for Applicants.

FD 684

CB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
JUN 11 1901
ACTING CHAIRMAN

CHEROKEE

Date

Post Office

District

1. Name

Owner's name

Year Page No. Citizenship

Parents:

Father

Mother

Name of wife

Owner's name Citizenship

Year Page No. District

Parents:

Father Jesse Rowe living Citizenship

Mother Cornelia " " Citizenship

Names of Children:

1. Sandy Wilson Year Page No. Dist. 6
2. Joseph " Year Page No. Dist. 3
3. Glossie Ms " Year Page No. Dist. 2 ms
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Ms Stenographer J. D. Rowson

2, 3 and 4 affidavits of birth required

XRef D. 681

Represented by Mellette and Smith

Commission to the Five Civilized Tribes.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 2nd, 1901.

To Mrs. Mary Wilson, Colored,

Vinita, Indian Territory.

Receipt is hereby acknowleged of birth certificate in the matter of the application for enrollment of Claude Wilson, son of Charlie Wilson and Mary Wilson as a citizen of the Cherokee Nation, and the same has been duly filed.

Very respectfully,

Tams Bixby

Acting Chairman.

aLa

Cherokee Freed'n. #D684.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 2nd, 1901.

To Mrs. Mary Wilson, Colored,

Vinita, Indian Territory.

Receipt is hereby acknowleged of birth certificate in the matter of the application for enrollment of Flossie M. Wilson, daughter, of Charlie Wilson and Mary Wilson as a citizen of the Cherokee Nation, and the same has been duly filed.

Very respectfully,

Tams Bixby

Acting Chairman.

ata

Cherokee Freed'n. #D684.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 2nd, 1901.

To Mrs. Mary Wilson, Colored,

Vinita, Indian Territory.

Receipt is hereby acknowleged of birth certificate in the matter of the application for enrollment of Joseph Wilson, son, of Charlie Wilson and Mary Wilson, as a citizen of the Cherokee Nation, and the same has been duly filed.

Very respectfully,

Tams Bixby

Acting Chairman.

ala

COPY.

Muskogee Freedmen
D-[illegible].

Muskogee, Indian Territory, May 9, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Permelia Bowen et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Permelia, Emma, Salena, Celia, Jesse, Joseph, Julia, Clarinda, Sam, Lena and Jesse Bowen Jr., Alonzo, Alverta, Pearly and Clifford Beale, Martha Lyons, Ava and Ina Ray, Mary, Claude, Joseph and Vincie M. Wilson and Savannah Bowen as Mississippi freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Res. D-198.

COPY.

Dawes Commission
Muskogee,

Muskogee, Indian Territory, May 6, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 29, 1904, in the consolidated case of Permelia Rowe et al., rejecting the applications for the enrollment of Permelia, Henry, Selena, Calista, Perry, Joseph, Julia, Florinda, Ora, Lena and Jesse Rowe Jr., Ahnie, Alverta, Pearl and Clifford Smith, Martha Lynn, Ava and Ina Ray, Mary, Glenda, Joseph and Phenie M. Wilson and Germain Rowe as Cherokee freedmen.

The case also, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. D-197.

COPY.

Cherokee Freedmen
Roll of 1896

Muskogee, Indian Territory, May 9, 1904.

Hagar Smith,
Attorney for Permelia Rose et al,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Permelia Rose et al, rejecting the applications for the enrollment of Permelia, Fanny, Salome, Celia, James, Joseph, Pollie, Charlotte, Sam, Lena and Jesse Rose Jr., Adam, Alverta, Pearly and Clifford Neale, Martha Lyons, Arra and Ina Ray, Mary, Clemmie, Joseph and Francis M. Wilson, and Savannah Reed as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T.B. Needles.

Commissioner in Charge.

Register

Enc. 1-1196.

COPY.

Cherokee Freedmen
D-684.

Muskogee, Indian Territory, May 5, 1904.

Mary Wilson,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself, Claude, Joseph and Flossie M. Wilson as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. D-191.

Refer in reply to
the following:
Land
Dec-1904.

COPY

Department of the Interior,

Office of Indian Affairs,

Washington, May 23, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 6, 1904, transmitting for your consideration, the application of Permelia Rowe, et al., consolidating the applications of

Permelia Rowe,	Cherokee Freedman,	D.	[illegible]
Jesse Rowe, et al.,	"	"	D 542
Arre Bay, et al.,	"	"	D [illegible]
Mary Wilson,	"	"	D [illegible]
Savannah Rowe,	"	"	D [illegible]
Marth Lyons,	"	"	D [illegible]
Jesse Rowe, et al.,	"	"	D 960
Joseph Rowe, et al.,	"	"	D 1014.

for enrollment as Cherokee Freedmen.

April 28, 1904, the Commission rejected the applications.

From an examination of the records in the several applications it appears therefrom that applications were made to the Commission for enrollment as Cherokee Freedmen by Permelia Rowe for herself and her three minor children, Nancy, Salena, and Bolin Rowe, by Jesse Rowe, Jr. for herself; by Arre Bay for herself and her minor daughter,

Ina Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Flossie M. Wilson; by Savannah Reese for herself; by Eliza Lyons for his wife Martha Lyons; by Jesse Rowe for herself and four minor grandchildren, Adami, Alverta, Pearley and Clifford Seals; and by Joseph Rowe for himself and his wife Polly Rowe, and two minor children Clarinda and Oza Rowe. It is stated in the decision of the Commission that a copy of the testimony taken at different times and places in Cherokee Freedman D - 1014, is filed herewith and made a part of the record in this case.

The evidence in these cases shows that Jesse Rowe and Permelia Rowe are husband and wife, and that they were at one time slaves of a Cherokee citizen who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Selena Rowe, Celia Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Adami (Adamiah) Seals, Alverta Seals, Pearly Seals, Clifford Seals and Joseph Rowe, are children and grandchildren of the said Jesse Rowe and Permelia Rowe, have been since the commencement of the rebellion, and take only such rights as may be possessed by said Jesse Rowe and Permelia Rowe; that the applicants, Clarandi Rowe, Oza Rowe, and Lorna Rowe, are the minor children of and claim their rights to enrollment through their parents, the said Joseph Rowe, and Polly Rowe; that the said Polly Rowe was born since 1866 and is the daughter of and claims her right through Judith Chambers.

It further appears from the evidence in the case that neither the said Jesse Rowe, nor Permelia Rowe, returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation, and that the said Polly Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said nation at the commencement of the rebellion.

None of the applicants can be identified on the 1880 authenticated Cherokee Roll.

It is therefore recommended that the applications for enrollment of Permelia Rowe, Nancy Rowe, Salena Rowe, Celia Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Blessie M. Wilson, Savannah Reese, Martha Lyons, Jesse Rowe, Adami (Adamiah) Seals, Alverta Seals, Rearley Seals, Clifford Seals, Joseph Rowe, Pollie Rowe, Clarinda Rowe, Ora Rowe and Lerua Rowe as Cherokee freedmen be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats. 495), and that it be so ordered.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

JTM

C

P.O. 15294-1904. 0074 W.A.S.

T.T.D. 4226-1904. DEPARTMENT OF THE INTERIOR. J.P.

J.R.G. WASHINGTON. THE

May 26, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 5, 1904, you transmitted the record in the consolidated Cherokee freedman case of Permelia Moss, et al. (D-681), including your decision of April 20, 1904, rejecting the applications for the enrollment of Permelia, Nancy, Salena, Celia, Isaac, Joseph, Willie Clarinda, Ora, Lena and Reese Rowe Jr., Adam, Alverta, Pearly and Clifford Seals, Martha Lyons, Arro and Ina Ray, Mary, Claude, Joseph and Flossie M. Wilson and Savannah Moore.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

1 inclosure. Acting Secretary.

[redacted]

[redacted], Indian Territory, June 7, 1904.

[redacted]

Dear Sir:

[redacted]

[redacted]

[illegible]

[illegible]

[illegible], Indian Territory, June 7, 1894.

Dear Sir:

Attorney for Joseph Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commission's decision dated April 28, 1894, rejecting the application for the enrollment of Joseph Ross, Charlotte Ross, Lena, Jesse, Jesse, Jr., Franklin, Mary, Nelson and Nellie Ross, Alice, Alvarez, Pearley and Clifford Ross; Martha Lynch, Cherokee Lynch, Mary, Charles, Joseph and Maggie V. Wilson, and Jesse and Ida Ray on Cherokee Freedmen, was affirmed by the Secretary of the Interior on May 26, 1894.

Respectfully,

[illegible].

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

306/788

UNCLAIMED

Mrs. Mary Wilson,
~~Vinita~~, Indian Territory.

REGISTERED
MAR 23 1904
MUSKOGEE

REGISTERED
APR 22 1904
Vinita, Ind. Ter.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return to Writer.
UNCLAIMED

573/615

MUSKOGEE, IND. TER.
MAY 1904
REGISTERED

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

RETURNED TO WRITER

Mrs. Mary Wilson,
~~Vinita~~, Indian Territory.

REGISTERED
JUN 13 1904
VINITA, IND. TER.

REGISTERED
MAR 23 1902
Vinita, Ind. Ter.

REGISTERED
APR 23 1902
MUSKOGEE, IND. TER.

VINITA, IND. T.
7 AM
REC'D.

F068

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 10 1907
ACTING CHAIRMAN.

UNCLAIMED.

MUSKOGEE, IND. TER.
AUG 3 1907
PROPERTY

VINITA
SEP 10 1907
IND. T.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

F068

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 10 1907
ACTING CHAIRMAN.

UNCLAIMED.

MUSKOGEE, IND.
AUG 3 1907
PROPERTY

VINITA
SEP 10 1907
IND. T.

UNCLAIMED

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

F0684

Department of the Inte

Commission to the Five Civilized T

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, IND. T.
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IND. T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 10 1901

ACTING CHAIRMAN

Mary Nelson,

UNCLAIMED.

UNCLAIMED.

F0684

Department of the Inte

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, IND. T.
AUG 3
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VINITA
SEP
7 30 PM
1901
IND. T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 10 1901

ACTING CHAIRMAN

Mary Nelson

UNCLAIMED.

UNCLAIMED.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 11th, 1901.

In the matter of the application of Arre Ray for the enrollment of herself and one child as Cherokee Freedman; said Ray being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Arre Ray.
Q How old are you? A 22 or 24 years old.
Q What is your post office? A Pensacola, I. T.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Her little child.
Q What is its name? A Ina Ray.
Q How old is Ina? A Five years old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Randolph Ray.
Q Is he a Cherokee Freedman? A No, sir.
Q Where were you married? A On Grand river.
Q Cherokee Nation? A Yes, sir.
Q Where were you born? A In Texas.
Q How long have you lived in the Cherokee Nation? A As near as I can recollect about 12 or 13 years.
Q You moved from the State of Texas? A Yes, sir.
Q With your mother? A Yes, sir.
Q What is your mother's name? A Permelia Rowe.
Q What is your father's name? A Jesse Rowe.
Q Is the Permelia Rowe whom you claim to be your mother the woman who was listed for enrollment as a Cherokee Freedman this morning?
A Yes, sir.
Q The same woman? A Yes, sir.

The Tribal Rolls of Freedmen of the Cherokee Nation examined and name of applicant not found on any of them.

Q You never drew any money from the Cherokee Nation?
A No, sir.

COMMR NEEDLES: Arre Ray applies for the enrollment of herself and her child, Ina, five years of age. She avers that she is the child of Jesse and Permelia Rowe. She was born in the State of Texas and removed to the Cherokee Nation from the State of Texas some 12 or 13 years ago. She is now married to one Randolph Ray by whom she has a child for whom she applies. She avers that the identical Permelia Rowe who was listed this day for enrollment as a Cherokee Freedman and who is listed for enrollment on Doubtful card #681 is her mother, and the testimony taken in the case of Permelia Rowe will be made part of the record in the case at bar and a copy thereof filed herewith. The said Arre Ray and her child, Ina, will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. It will be necessary for her to file with this Commission satisfactory proof of the birth of her said child Ina its name not appearing upon any of the rolls. She will be duly notified of the decision of the Commission by mail when arrived at.

---oo 000oo---

J. G. Rossen, being first duly sworn, states that as stenographer to the Commission to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 25th, 1901.

Commissioner.

CB FD 683

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 11 1901
ACTING COMMISSIONER.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 11 1901

Post Office Okmulgee I.T.

District Del

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____

Mother _____ Citizenship _____

Omitted

1a. Name of wife Arse Ray Age 23

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father Jesse Rowe Sr — living Citizenship _____

Mother Permelia Rowe — living Citizenship _____

Names of Children:

3a. Ina Ray Year _____ Page _____ No. _____ Dist. _____ 5

4. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____

Omitted

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by his ✗ Stenographer J. O. Posson

2 affs of birth required

Ref D681

Represented by Mellette and Smith

F. D. ——A——

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 190....

Given under my hand this.....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

SEP 23 1901

.....day of.....190....

Mellette Stewart

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the.....day of.....A. D. 190....

.....

Subscribed and sworn to before me this.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1901

.....Notary Public.

Acting Commissioner

NOTICE!

IN THE MATTER OF the application of Orra Ray for enrollment as Cherokee Freedmen:

Case No. F. D. 683

To Orra Ray or Mollette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. [illegible] at 9 o'clock A. M. [illegible] hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

File with Arra Ray et al., C. F. D. 683

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 16th 1901.

In the matter of the application of Permelia Rowe, C. F. D. 681.

SUPPLEMENTAL TESTIMONY.

Appearances:
James A. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

James M. Bell, being first duly sworn before Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A James M. Bell.
Q How old are you? A 69.
Q Where do you live? A Delaware district, Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Ever since 1839
Q Have you ever been outside of the Cherokee Nation and if so where? A My father moved to Texas in '47 to Rusk county.
Q When did you return from Texas? A In '52, after his death.
Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first got acquainted with her? A In the Cherokee Nation.
Q Did she ever live anywhere except in the Cherokee Nation? A She moved to Texas.
Q When did she move to Texas? A In '47.
Q How long did she live in Texas? A She lived there until after the war.
Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
Q Do you know the names of any of them? A No sir.
Q Do you know Permelia Rowe? A No sir.
Q Do you know Jess Rowe? A Yes sir.
Q Where did you know him? A In Texas.
Q Did he have a wife at that time? A I dont know exactly about that.
Q Did you ever know a colored woman that belonged to Aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.
Q Where was she when you knew her? A In Texas, she was cooking there
Q Was that before or after the war? A That was before and after both.
Q Where was Aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
Q Do you know what year Aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.
Q Who did Jess Rowe belong to? A George Starr.
Q Where did he live at the breaking out of the war? A In Texas, Rusk County.
Q When did he go to Texas? A In '47, my father's family went with him.
Q Did he have Jess Rowe with him when he went there? A Yes sir, that is my impression-- he was there and grew up there.
Q Do you know anything about where Jess was at the close of the war? A No sir, I am not certain where he was then.
Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
Q What year was that? A '47.
Q Had they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.
(By Smith)
Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens, I think they were considered citizens of Texas.
Q What did they claim, I am not asking you for your opinion? Well

They were Cherokees by blood.
Q They had moved from this country? A Yes sir.
Q And they still claimed to be citizens of this country? A No sir, they voted there to my knowledge.
Q How do you know? A They had elections there and they voted.
Q Did you see them vote? A I dont know as I can specify the time they voted, but they voted.
Q How do you know it? A They were recognized as citizens and paid taxes and were old enough, and every one down there who was old enough, voted.
Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.
Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.
Q Do you know it? A Yes sir as well as I know anything that I didn't see.
Q As well as you know anything that you dont know? A A manknows things sometimes that he dont see.
Q You dont know anything that is in favor of these freedmen do you? A If I did and was asked about it I would tell it.
Q Have you ever testified in behalf of a single one of them here? A I have not directly, I have not been called upon.
Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been, and I think I have a right to.
Q You dont really know what these folks did in Texas as to voting or not do you? A I am pretty sure that they voted.
Q You can say if they did or did not?
A I can say they did.
Q Did you see them? A No sir.
Q How do you know them that they voted? A They were citizens there.
Q How do you know that? A They owned property there and were taxes.
Q How do you know that they were taxed? A The assessor went round and taxes everybody.
Q Do you know that George Starr was taxed? A I have every reason to believe that he was.
Q You dont know that Sallie Mayfield was taxed? A I think that they were taxed.
Q You dont know it though? A Well as a man can know it I do.
Q Did they ever come back to the Cherokee Nation? A Yes sir.
Q They were recognized as citizens when they did come back here? A They were re-admitted then.
Q They were recognized then? A Yes sir.
Q You dont know where Jess Rowe was in '66? A No sir.
Q You dont know where Permelia Rowe was in '66? A No sir.
(By Davenport.)
Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.
Q You would not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

KEEK STARR, being first duly sworn by Corl'y T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport.)
Q What is your name? A Keek Starr.
Q What is your post office address? A Tahlequah.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Where did you live before you come to the Cherokee Nation? A Texas, Rusk county.

Q What was your father's name? A [illegible]
Q Did you know a lady known as [illegible] A Yes sir.
Q Where did she live when you first [illegible] A In Texas.
Q Did she own any slaves in Texas? A Yes sir, several.
Q Do you remember the names of any of them? A Of some of the older ones.
Q Did they own a woman named Phillis? A Yes sir.
Q Did she have any children? A Yes sir I think she had some children.
Q Do you know Jess Rowe? A Yes sir.
Q Who did he belong to? A To my father.
Q Do you know if your father had him with him when he went to Texas in '47? A That is before I recollect.
Q Where was Jess when you could first remember? A He was living there with us in Texas.
Q Who did Phillis belong to? A To aunt Sallie Mayfield.
Q Do you know where Jess Rowe and his family were when the war broke out? A He was living with us when the war broke out.
Q Where were you living at that time? A Rusk County Texas.
Q You were born in Texas, yourself? A Yes sir.
Q Have you been Jess Rowe since he came to this country? A See sir.
Q Do you know him to be the same Jess Rowe that belonged to your father in Texas? A Yes sir the same Jess Rowe.
Q Have you seen his wife since he came here? A I guess I have I dont know as I know his wife exactly though.
Q When did you come to the Territory after the war? A In 1868.
Q Where was Jess Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A There.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jess Rowe in this country? A 10 or 11 years ago.
Q Did he have his family with him at that time? A I dont know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the State of Texas I guess.
Q Were you recognized as citizens of the Nation when you came back?
Q He had to be re-admitted as a citizen of the Cherokee Nation on his return is my understanding.

(By Smith)

Q How many slaves did your father have, Mr. Smith? A 30 or 40.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 15 or 16 years old.
Q A boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A We left Texas in the spring of '68.
Q Were you at home all the time there? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Belview, close to where we lived I went there one or two sessions and part of the time I boarded with aunt Sallie Mayfield, she lived closed when we did.
Q Where was Jess Rowe when you were boarding with aunt Sallie Mayfield? A At home on our farm.
Q How far was your farm from your aunt Sallie Mayfield's? A Six or seven miles.
Q Did you have any special reason for recollecting Jesse Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
Q As far as Jess Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '65, '6 and '7? A Not by anything particular, but they

was all that make the other eleven and I thought he was born too.
Q There was Jennelia there? A She was there.
Q Was that [illegible] A I think she was, he handled one of them.
Sallie Hayford's [illegible]
Q Where did your [illegible] come from to Texas? A Cherokee Nation.
Q There were soldiers there? A Yes sir.
Q Did they have any property here? A They sold it I understand and
went to Texas.
Q Where did your aunt [illegible] married lived before she went to Texas
in the Cherokee Nation I have been told.
Q Did she come back? A Yes sir.
Q They were recognized as citizens here? A She lived here a while
[illegible]
Q [illegible] blood? A Yes sir.
Q Was your father a Cherokee? A Yes sir.
(By the Commission)
Q Where was your sonny? A I dont know, he is older than I am.
Q Was Jean taken to Texas when your father went there? I suppose
he was, I dont know, I was born in Texas in '80.
Q You dont know where Jennie was born? A No sir.
(By Davenport)
Q When your family returned here were they recognized as citizens
of the Cherokee Nation or did they have to be readmitted? A-
BY MR. [illegible]: A [illegible] I don't object to the testimony as to
the re-admission for the reason that the record would be better
evidence. A
(By Davenport of witness)
Q You don't know what took place as to their citizenship? A No sir
Q You do know that they moved to Texas before the war and lived
there until after the war? A Yes sir.
Q When your father came back here did he have any property here?
A No sir.
(By Smith)
Q You were born in Texas? A Yes sir.
Q You are a citizen of the Cherokee Nation now? A Yes sir.
Q By blood? A Yes sir.
Q You came here from the State of Texas? A Yes sir.
(By Davenport)
Q Your understanding is that it was after your return that you were
re-admitted? A Yes sir.
(By the Commission)
Q How did you get to be a Cherokee citizen if you were born in Texas?
Q After father was re-admitted I suppose the whole family was re-
admitted with him.

* * * * * * * * * * * *

This will be filed in Cherokee Pre-emp. cases D-641; D-642; D-643;
D-645; D-646; D-647; D-1015; D-1014; D-1024 and D-1063.

Witness

Chas. Van Hake, being duly sworn states that as Stenographer to the
Commission to the Five Civilized Tribes he reported in full all
the proceedings in the above cause and that the foregoing is a full,
true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 14th of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Permelia Rowe, et al., as Cherokee Freedmen, consolidating the applications of:—

Permelia Rowe, et al.,	Cherokee Freedmen D- 621,
Jesse Rowe, Jr.,	Cherokee Freedmen D- 622,
Arre Ray, et al.,	Cherokee Freedmen D- 623,
Mary Wilson, et al.,	Cherokee Freedmen D- 624,
Savannah Reese,	Cherokee Freedmen D- 625,
Martha Lyons,	Cherokee Freedmen D- 788,
Jesse Rowe, et al.,	Cherokee Freedmen D- 960,
Joseph Rowe, et al.,	Cherokee Freedmen D-1016.

-:0:-

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Permelia Rowe for herself and her three minor children, Nancy, Salena and Celia Rowe; by Jesse Rowe, Jr., for himself; by Arre Ray for herself and her minor daughter, Ina Ray; by Mary Wilson for herself and her three minor children, Glenda, Joseph and Flossie M. Wilson; by Savannah Reese for herself; by Eliza Lyons for his wife, Martha Lyons; by Jesse Rowe for himself and his four minor grand-children, Adami, Alverta, Pearley and Clifford Seals, and by Joseph Rowe for himself, his wife, Pollie Rowe, and two minor children, Clarinda and Gea Rowe; that subsequent to the date of the last-mentioned application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Luna Rowe. A copy of the testimony taken at different times and places in Cherokee Freedmen D-1016 is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rowe and Permelia Rowe are husband and wife and that they were at one time the slaves of Cherokee citizens who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Salena Rowe, Celia Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Glenda Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Adami Seals, Alverta Seals, Pearley Seals, Clifford Seals and Joseph Rowe are the children and grand-children of the said Jesse and Permelia Rowe, have been born since the commencement of the rebellion, and take only such rights as may be possessed by the said Jesse Rowe and Permelia Rowe; that the applicants, Clarinda Rowe, Gea Rowe and Luna Rowe, are the minor children of and claim their right to enrollment through their parents, the said Joseph Rowe and Pollie Rowe; that the said Pollie Rowe was born since 1866 and is the daughter of and claims her right to enrollment through Judith Chambers.

It further appears from the evidence herein that ~~said Jesse Rowe and Permelia Rowe~~ neither the residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the said Pollie Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

It further appears that the names of some of the applicants herein appear on the list contemplated therein.

It is, therefore, the opinion of this Committee that the applications for the enrollment of [illegible] Indian Tribe, Called Henry, Jesse Wade, Mrs. Jane Wade, [illegible] Henry Williams, Charles Williams, Jesse Williams, Elizabeth A. Williams, Jerusha Brown, Martha Irvan, Jerusha Brown, Annie Shelle, Alvarita [illegible] Brown, Elizabeth Shelle, Jerusha Brown, Julia Ann [illegible] Brown, Ben Bond and Jesse Bond for Cherokee Freedmen should be denied, and the enrollment of applicants [illegible] should be denied, except Jesse Bond, [illegible] Henry, Wade, and Ben Bond.

COMMITTEE TO THE NEW CIVILIZED TRIBES.

Signed [illegible]

Signed [illegible]

Signed [illegible]

Muskogee, Indian Territory,

[illegible] 1896.

FILED
MAR 21 1902
ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs.- Anna Day,
Pensecola, I. T.
Cherokee-F-D-683.
Register.

COPY.

Cherokee Freedmen
D-681.

Muskogee, Indian Territory, May 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Permelia Rowe et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Permelia, Nancy, Salena, Celia, Jesse, Joseph, Pallie, Clarinda, Gus, Lena and Jesse Rowe Jr., Adami, Alverta, Peayly and Clifford Seale, Martha Lyons, Arra and Ina Ray, Mary, Claude, Joseph and Phenie M. Wilson and Savannah Reese as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-198.

COPY.

Cherokee Freedmen
Dockets.

Muskogee, Indian Territory, May 8, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1906, in the consolidated case of Permelia Rose et al., rejecting the applications for the enrollment of Permelia, Henry, Selena, Celia, Jesse, Joseph, Willie, Charlotte, Sue, Lena and Jesse Rose Jr., Annie, Alverta, Pearly and Clifford Beale, Martha Lynn, Ivrd and Ina Ray, Mary, Alonzo, Joseph and Vicente E. Wilson and Sarsenah Rose on Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Rec. 2-177.

COPY.

Cherokee Freedmen
D-191 et al.

Muskogee, Indian Territory, May 5, 1906.

Edgar Smith,
Attorney for Permelia Rowe et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1906, in the consolidated case of Permelia Rowe et al., rejecting the applications for the enrollment of Permelia, Nancy, Salena, Celia, Jesse, Joseph, Pullie, Clarinda, Sam, Lone and Jesse Rowe Jr., Adam, Alverie, Pearly and Clifford Reese, Martha Lynn, Arve and Ina Ray, Mary, Claude, Joseph and Vlennie M. Wilson, and Sarannah Reese as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very Truly,

T. B. Needles.

Commissioner in Charge.

Register
Rec. D-196.

COPY.

Cherokee Freedmen
D-683.

Muskogee, Indian Territory, May 5, 1904.

Arra Ray,

Pensecola, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself and Ina Ray as Cherokee Freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. D-190.

Refer in reply to the following:

Land
21087-1904

Department of the Interior,
Office of Indian Affairs,
Washington, May 21, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commissioner to the Five Civilized Tribes, dated May 3, 1904, transmitting for your consideration, the application of Permelia Rowe, et al., consolidating the applications of

Permelia Rowe,	Cherokee Freedman,	D. 68.	
Jesse Rowe, et al.,	"	"	D. 682
Ara May, et al.,	"	"	D. 683
Mary Wilson,	"	"	D. 684
Savannah Rowe,	"	"	D. 685
Martha Lyons,	"	"	D. 686
Frank Rowe, et al.,	"	"	D. 687
Joseph Rowe, et al.,	"	"	D. 688.

for enrollment as Cherokee Freedmen.

April 20, 1904, the Commission rejected the applicants.

From an examination of the records in the several applications it appears therefrom that applications were made to the Commission for enrollment as Cherokee Freedmen by Permelia Rowe for herself and her three minor children, Nancy, Helena, and Julia Rowe; by Jesse Rowe, Jr. for herself; by Ara May for herself and her minor daughter,

Ina May; by Mary Wilson for herself and her three minor children, Claude, Joseph and Blossie M. Wilson; by Savannah Reese for herself; by Elias Lyons for his wife Martha Lyons; by Jesse Rowe for herself and four minor grandchildren, Adami, Alverta, Pearley and Clifford Seals; and by Joseph Rowe for himself and his wife Polly Rowe, and two minor children Clarinda and Ona Rowe. It is stated in the decision of the Commission that a copy of the testimony taken at different times and places in Cherokee Freedman D - 1084, is filed herewith and made a part of the record in this case.

The evidence in these cases shows that Jesse Rowe and Permelia Rowe are husband and wife, and that they were at one time slaves of a Cherokee citizen who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Helena Rowe, Celia Rowe, Jesse Rowe, Jr., Arre May, Ina May, Mary Wilson, Claude Wilson, Joseph Wilson, Blossie M. Wilson, Savannah Reese, Martha Lyons, Adami (Adamina) Seals, Alverta Seals, Pearly Seals, Clifford Seals and Joseph Rowe, are children and grandchildren of the said Jesse Rowe and Permelia Rowe, born since the commencement of the rebellion, and take only such rights as may be possessed by said Jesse Rowe and Permelia Rowe; that the applicants, Clarinda Rowe, Ona Rowe, and Lorena Rowe, are the minor children of and claim their rights to enrollment through their parents, the said Joseph Rowe, and Polly Rowe; that the said Polly Rowe was born since 1866 and is the daughter of and claims her right through Judith Chambers.

It further appears from the evidence in the case that neither the said Peter Rowe, nor Permelia Rowe, returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 2, 1886, in the case of Rogers Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation, and that the said Polly Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said nation at the commencement of the rebellion.

None of the applicants can be identified on the 1880 authenticated Cherokee Roll.

It is therefore recommended that the applications for enrollment of Permelia Rowe, Nancy Rowe, Nelson Rowe, Polly Rowe, Jesse Rowe, Jr., Levy Ray, Ina Ray, Mary Wilson, Charlie Wilson, Joseph Wilson, Minnie E. Wilson, Savannah Rowe, Martha Lyons, Jesse Rowe, Maud (Admish) Seale, Alberta Seale, Pearley Seale, Clifford Seale, Joseph Rowe, Pollie Rowe, Charlie Rowe, Sam Rowe and Lerma Rowe as Cherokee freedmen be denied under the provisions of Section twenty-one of the act of Congress approved June 28, 1898, (30 Stats. 495), and that it be so ordered.

Very respectfully,

(Signed) T. B. Turner,

Acting Commissioner.

JTH

S

[illegible] COPY

I.T.D. [illegible] DEPARTMENT OF THE INTERIOR,

S.R.S. WASHINGTON,

May [illegible], 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 9, 1904, you transmitted the record in the consolidated Cherokee freedman case of Permelia Rowe, et al (C-601), including your decision of April 28, 1904, rejecting the applications for the enrollment of Permelia, Nancy, Salem, Julia, Jesse, Joseph, Polly, Thomas, Sam, Jesse and Pepie Rowe Jr., Lizzie, Alverta, Dearly and Clifford Jones, Martha Lynch, Arra and Ina Ray, Mary, Claude, [illegible] and Vincie E. Pilson and Savannah Moore.

Reporting on the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

[illegible]
[illegible]

[illegible], Indian Territory, June 7, 1904.

Major Smith,

Attorney for Joseph Bone, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commission's decision dated April 26, 1904, rejecting the applications for the enrollment of Joseph, Julia, Charlotte, Ida, Lena, Jesse, Jesse, Jr., Permelia, Henry, Salome and Julia Bone, Minnie, Alberta, Pearley and Clifford Cole, Martha Lynn, Kenneth Bone, Guy, Claude, Joseph and Minnie M. Vinson, and Guy and Ina Bay as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 24, 1904.

Respectfully,

[illegible]

[illegible]

[illegible]

[illegible], United Territory, June 9, [illegible]

W. T. Rutledge,
Attorney for the Cherokee Nation,
[illegible], Indian Territory.

Dear Sir:

You are hereby advised that the President's decision dated April 30, 1904, rejecting the applications for the enrollment of Joseph Pollie, Charlotte Cox, Lena Reed, Tiger, Ida Franklin Duncan, Milton and Ollie Ross, Hank Alberts, Dorothy and Gilbert Hicks, Darius Ryan, Cornelia Ross, Mary, Harold, Joseph and Ronald E. Wilson, and Ira and Ida Day as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 24, 1904.

Respectfully,

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901
Acting C

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 11th, 1901 in the matter of the application of Arre Ray et al for enrollment as Freedmen of the Cherokee Nation.

McCoy & Finch

Attorneys for Applicants.

Cherokee F. #D683.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 11th, 1901.

In the matter of the application of Jesse Rowe, Jr., for enrollment as a Cherokee Freedman; said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jesse Rowe, Jr.
Q How old are you? A 22 years old.
Q What is your post office address? A Kutakna.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No, one.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No, sir.
Q Never been recognized as a Cherokee Freedman? A No, sir.
Q Where were you born? A State of Texas.
Q What was your mother's name? A Permelia Rowe.
Q Is she the Permelia Rowe who has just applied to be enrolled as a Cherokee Freedman? A Yes, sir.

The Rolls of Cherokee Freedmen in the possession of this Commission examined and applicant's name found on none of them.

Q You never drew any money from the Cherokee Nation? A No, sir.
Q How long have you lived in the Cherokee Nation? A About ten or twelve years.
Q Came from the state of Texas about ten or twelve years ago with your mother? A Yes, sir.

COM'R NEEDLES: Jesse Rowe applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of this Commission. He swears that he is the child of Permelia Rowe who has been listed for enrollment as a Cherokee Freedman on doubtful card #681, and the testimony taken in said case will be made part of the record in the case of her and a copy thereof filed herewith. He will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card and the final decision of the Commission will be made known to him at his post office address.

---ooo000ooo---

J. O. Rossch, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossch

Subscribed and sworn to before me this 11th day of June, 1901.

Needles

Commissioner.

CHOCTAW EXPERIMENT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 11 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 11 1901

Post Office Tahlequah, I.T.

District Delaware

1. Name Jesse Rowe Jr. Age 20

Owner's name Citizenship

Year Page No. District

Parents:

Father Jesse Rowe Sr. Citizen Citizenship

Mother Amelia " " Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Ms. 1 Stenographer J. C. Rosson

Doubtful

Doubtful

X Ref. D681

Represented by Mellette and Smith

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 190....

Given under my hand this.....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of SEP 23 1901, 190....

Mellotte & Smith

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of.....A. D. 190....

.....

Subscribed and sworn to before me this.....

.....

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 24 1901

[illegible] Clerk

NOTICE!

IN THE MATTER OF the application of Jesse Rowe Jr.
for enrollment as Cherokee Freedmen:
Case No. F. D. 482

To ~~Jesse Rowe Jr. or Mellette & Smith~~ his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on ~~Oct. 14th 1901~~ at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

[illegible]

[illegible]

In the Matter of the [illegible] of [illegible] C. N. [illegible]

[illegible]

Appearances:

[illegible]

Mr. [illegible] & Smith [illegible].

James M. Bell, being first duly sworn [illegible] T. B. Meeting, testified as follows on the part of the [illegible] Nation:

(By Davenport)

Q What is your name? A James M. Bell.
Q How old are you? A 68.
Q Where do you live? A Delaware District, Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Ever since 1850.
Q Have you ever been outside of the Cherokee Nation and if so where? A My father moved to Texas in '47 to Rusk [illegible].
Q When did you return from Texas? A In the [illegible] his death.
Q Did you know a lady known as Aunt Sallie [illegible]? A Yes sir.
Q Where did she live when you first got acquainted with her? A In the Cherokee Nation.
Q Did she ever live anywhere except in the Cherokee Nation? A She moved to Texas.
Q When did she move to Texas? A In '47.
Q How long did she live in Texas? A She lived there until after the war.
Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
Q Do you know the names of any of them? A No sir.
Q Do you know Permelia Rowe? A No sir.
Q Do you know Jess Rowe? A Yes sir.
Q Where did you know him? A In Texas.
Q Did he have a wife at that time? A I dont know exactly about that.
Q Did you ever know a colored woman that belonged to Aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.
Q Where was she when you knew her? A In Texas, she was cooking there.
Q Was that before or after the war? A That was before and after both.
Q Where was Aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
Q Do you know what year Aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.
Q Who did Jess Rowe belong to? A George Starr.
Q Where did he live at the breaking out of the war? A In Texas, Rusk County.
Q When did he go to Texas? A In '47, my fatherin family went with him.
Q Did he have Jess Rowe with him when he went there? A Yes sir, that is my impression he was there and grew up there.
Q Do you know anything about where Jess was at the close of the war? A No sir, I am not certain where he was then.
Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
Q What year was that? A '47.
Q Had they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.

(By Smith)

Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens, I think they were considered citizens of Texas.
Q What did they claim, I am not asking you for your opinion? Well

they were [illegible]
A [illegible]
Q [illegible] country? A No sir, [illegible] to my k[illegible]
Q How do you know? A They [illegible] they voted.
Q Did you see them vote? A I dont know [illegible] I can generally tell if they voted [illegible]
Q How do you know it? A They were [illegible] citizens and paid taxes and were old enough, and every one that I know who was old enough, voted.
Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.
Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.
Q Do you know it? A Yes sir as well as I know anything that I didn't see.
Q As well as you know anything that you dont know? A A man knows things sometimes that he dont see.
Q You dont know anything that is in favor of these freedmen is your A If I did and was asked about it I would tell it.
Q Have you ever testified in behalf of a single one of them here?
Q I have not directly, I have not been called upon.
Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been, and I think I have a right to.
Q You dont really know what these folks did in Texas as to voting or not do you? A I am pretty sure that they voted.
Q You can say if they did or did not?
A I can say they did.
Q Did you see them? A No sir.
Q How do you know then that they voted? A They were citizens there.
Q How do you know that? A They owned property there and were taxed.
Q How do you know that they were taxed? A The assessor went round and taxes everybody.
Q Do you know that George Starr was taxed? A I have every reason to believe that he was.
Q You dont know that Sallie Mayfield was taxed? A I think that they were taxed.
Q You dont know it thought? A Well as a man can know it I do.
Q Did they ever come back to the Cherokee Nation? A Yes sir.
Q They were recognized as citizens when they did come back here? A They were permitted then.
Q They were recognized then? A Yes sir.
Q You dont know where Jane Rowe was in '66? A No sir.
Q You dont know where Permelia Rowe was in '66? A No sir.
(By Davenport)
Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.
Q You would not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

JACK STARR, being first duly sworn by John T. H. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A Jack Starr.
Q What is your post office address? A Tahlequah.
Q What is your age? A 58.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Where did you live before you came to the Cherokee Nation? A Texas, Lamar county.

Q What was your father's [illegible]
Q [illegible] A [illegible] dead? A Yes sir.
Q [illegible] A In Texas.
Q [illegible] who can say a [illegible] in [illegible] several.
Q Do you remember [illegible] A Of some of the older ones.
Q Did they [illegible]
Q Did she have any children? A Yes sir I guess she had some children.
Q Do you know Jesse Rowe? A Yes sir.
Q Who did he belong to? A To my father.
Q Do you know if your father had him with him when he went to Texas in 1839? A That is before I remember.
Q There was Jesse when you could first remember? A He was living there with us in Texas.
Q Who did Phillis belong to? A To Aunt Sallie Mayfield.
Q Do you know where Jesse Rowe and his family were when the war broke out? A He was living with us when the war broke out.
Q Where were you living at that time? A Rusk County Texas.
Q You were born in Texas, yourself? A Yes sir.
Q Have you seen Jesse Rowe since he came to this country? A Yes sir.
Q Do you know him to be the same Jesse Rowe that belonged to your father in Texas? A Yes sir the same Jesse Rowe.
Q Have you seen his wife since he came here? A I guess I have I dont know as I know his wife exactly though.
Q When did you come to the Territory after the war? A In 1868.
Q Where was Jesse Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A There.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jesse Rowe in this country? A 10 or 11 years ago.
Q Did he have his family with him at that time? A I dont know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the State of Texas I guess.
Q Were you recognized as citizens of the Nation when you came back? Q He had to be re-admitted as a citizen of the Cherokee Nation on his return to my understanding.
X By Smith X
Q How many slaves did your father have, Mr. Starr? A 55 or 60.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 15 or 16 years old.
Q A boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A We left Texas in the spring of '69.
Q Were you at home all the time there? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Belvier, close to where we lived. I went there one of two sessions and part of the time I boarded with aunt Sallie Mayfield, she lived closed there we did.
Q Where was Jesse Rowe when you were boarding with aunt Sallie Mayfield? A At home on our farm.
Q How far was your farm from your aunt Sallie Mayfield's? A Six or seven miles.
Q Did you have any special reason for recollecting Jesse Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
Q As far as Jesse Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '68, '9 and '70? A Not by anything particular, but they

was all there like the other slaves and I thought he was there too.
Q There was Pamelia Rowe? A She was there.
Q Was that Jess' wife? A I think she was, he married one of Aunt Sallie Mayfield's nigroes.
Q Where had your family gone from to Texas? A Cherokee Nation.
Q They were citizens here? A Yes sir.
Q Did they have any property here? A They sold it I understand and went to Texas.
Q Where had your aunt Sallie Mayfield lived before she went to Texas? In the Cherokee Nation I have been told.
Q Did she ever come back? A Yes sir.
Q They were recognized as citizens here? A They lived here a while and then went back to Texas.
Q She was a Cherokee by blood? A Yes sir.
Q Was your father a Cherokee? A Yes sir.
(By the Commission)
Q Where was Jess born? A I dont know, he is older than I am.
Q Was Jess taken to Texas when your father went there? I suppose he was, I dont know, I was born in Texas in 1848.
Q You dont know where Jess was born? A No sir.
(By Davenport)
Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A-
BY MR. SMITH: The applicant's object to the testimony as to the re-admission for the reason that the record would be better evidence.
(By Davenport of witness)
Q You don't know what took place as to their citizenship? A No sir
Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.
Q When your father came back here did he have any property here? A No sir.
(By Smith)
Q You were born in Texas? A Yes sir.
Q You are a citizen of the Cherokee Nation now? A Yes sir.
Q By blood? A Yes sir.
Q You came here from the State of Texas? A Yes sir.
(By Davenport)
Q Your understanding is that it was after your return that you were re-admitted? A Yes sir.
(By the Commission)
Q How did you get to be a Cherokee citizen if you were born in Texas?
Q After father was re-admitted I suppose the whole family was re-admitted with him.

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This will be filed in Cherokee Freedmen cases D-681; D-682; D-683; D-684; D-685; D-788; D-960; D-1016; D-1014; D-1084 and D-1063.

****

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 19th day of October, 1901.

Commissioner.

[illegible]

[illegible] BY THE INTERIOR,
[illegible] TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Permelia Rowe, et al., as Cherokee Freedmen, consolidating the applications of—

Permelia Rowe, et al.,	Cherokee Freedmen D-[illegible],
Jesse Rowe, Jr.,	Cherokee Freedmen D-[illegible],
Arre Ray, et al.,	Cherokee Freedmen D-[illegible],
Mary Wilson, et al.,	Cherokee Freedmen D-[illegible],
Savannah Reese,	Cherokee Freedmen D-[illegible],
Martha Lyons,	Cherokee Freedmen D-[illegible],
Jesse Rowe, et al.,	Cherokee Freedmen D-[illegible],
Joseph Rowe, et al.,	Cherokee Freedmen D-1014.

-vs-

-O P I N I O N-

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Permelia Rowe for herself and her three minor children, Nancy, Salena and Sollie Rowe; by Jesse Rowe, Jr., for himself; by Arre Ray for herself and her minor daughter, Ina Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Flossie M. Wilson; by Savannah Reese for herself; by Elias Lyons for his wife, Martha Lyons; by Jesse Rowe for himself and his four minor grand-children, Adami, Alverta, Pearley and Clifford Seals, and by Joseph Rowe for himself, his wife, Pollie Rowe, and two minor children, Clarinda and Ona Rowe; that subsequent to the date of the last-mentioned application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lena Rowe. A copy of the testimony taken at different times and places in Cherokee Freedmen D-1014 is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rowe and Permelia Rowe are husband and wife and that they were at one time the slaves of Cherokee citizens who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Salena Rowe, Sollie Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Adami Seals, Alverta Seals, Pearley Seals, Clifford Seals and Joseph Rowe are the children and grand-children of the said Jesse and Permelia Rowe, have been born since the commencement of the rebellion, and take only such rights as may be possessed by the said Jesse Rowe and Permelia Rowe; that the applicants, Clarinda Rowe, Ona Rowe and Lena Rowe, are the minor children of and claim their right to enrollment through their parents, the said Joseph Rowe and Pollie Rowe; that the said Pollie Rowe was born since 1866 and is the daughter of and claiming her right to enrollment through Judith Chambers.

It further appears from the evidence herein that neither the said Jesse Rowe nor Permelia Rowe returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the said Pollie Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Permelia Rowe, Nancy Rowe, Salona Rowe, Celia Rowe, Jesse Rowe, Jr., Arve Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Poore, Martha Lyons, James Rowe, Adrel Seals, Alverda Seals, Pearley Seals, Clifford Seals, Joseph Rowe, Pellie Rowe, Clarinda Rowe, Ora Rowe and Lena Rowe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed Tams Bixby,
Commissioner.

Signed T. B. Needles,
Commissioner.

Signed C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,

APR 20 1906

Received by the Division Clerk
FILED
MAR 21 1902
ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jesse Howe, Jr.,
Ketchum, I. T.
Cherokee-F-D-682.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Copy.

[illegible]

[illegible]

Washington, [illegible], May 4, [illegible].

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Permelia Rose et al., involving the Commission's decision dated April 20, 1906, rejecting the applications for the enrollment of Permelia, Henry, Rebecca, Willie, Laura, Joseph, Nellie, Florinda, Ben, Lucy and Jesse Rose Jr., Adam, Alverta, Henry and Clifford Neale, Martha Lynch, Arve and Ina Ray, Mary, Glenda, Joseph and Phoebe M. Wilson and Savannah Rose as Cherokee freedmen.

Respectfully,

T.B. Needles.

Through the Commissioner of Indian Affairs. Commissioner in Charge.

Rec. 3-156.

COPY

Choctaw Freedmen
D-197.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,
Attorney for Choctaw Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 29, 1904, in the consolidated case of Permelia Lewis et al., rejecting the applications for the enrollment of Permelia, Nancy, Nelson, Celia, Pease, Joseph, Pollie, Clarinda, Sam, Lewis and Jesse Lewis Jr., Adam, Alverta, Pearly and Clifford Smith, Martha Tyson, Arro and Ina Ray, Mary, Glenda, Joseph and Pleasie N. Wilson and Reynaud Hood as Choctaw freedmen.

The final plan, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-197.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-138 et al.

Muskogee, Indian Territory, May 9, 1904.

Edgar Smith,
Attorney for Permelia Rowe et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Permelia Rowe et al., rejecting the applications for the enrollment of Permelia, Nancy, Salena, Sallie, Jesse, Joseph, Pallie, Clarinda, Sam, Lena and Jesse Rowe Jr., Adami, Alverta, Pearly and Clifford Scale, Martha Lynne, Arre and Ina Ray, Mary, Claude, Joseph and Phoenix W. Wilson, and Savannah Rowe as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Registrar
Reg. D-138.

Commissioner in Charge.

COPY.

Cherokee Freedman
D-282.

Muskogee, Indian Territory, May 5, 1904.

Jesse Bowe, Jr.,
Ketchum, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself as Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. D-189.

Refer in reply to
[illegible]
[illegible]
Land Department of the Interior,
[illegible]
Office of Indian Affairs,
Washington, May 24, 1909.

The Commissioner,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commissioner of the Five Civilized Tribes, dated May 8, 1909, transmitting for your consideration, the application of Permelia Hunt, et al., requesting the enrollment of

Permelia Hunt,	Cherokee Freedman,	$ [illegible]
Jesse Hunt, et al.,	"	$ [illegible]
Ayre Hay, et al.,	"	$ [illegible]
Mary Wilson,	"	$ [illegible]
Savannah Hunt,	"	$ [illegible]
Mary Lynn,	"	$ [illegible]
Jesse Hunt, et al.,	"	$ [illegible]
Joseph Hunt, et al.,	"	$ [illegible]

for enrollment as Cherokee Freedmen.

April 26, 1909, the Commission rejected the application.

From an examination of the records in the several applications it appears therefrom that applications were made to the Commission for enrollment as Cherokee Freedmen by Permelia Hunt for herself and her three minor children, Henry, Edison, and Nellie Hunt; by Jesse Hunt, Jr. for herself; by Ayre Hay for herself and her minor daughter,

Ina Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Bessie M. Wilson; by Savannah Reese for herself; by Elias Lyons for his wife Martha Lyons; by Jesse Rowe for herself and four minor grandchildren, Adami, Alverta, Pearley and Clifford Seals; and by Joseph Rowe for himself and his wife Polly Rowe, and two minor children Charinda and Gea Rowe. It is stated in the decision of the Commission that a copy of the testimony taken at different times and places in Cherokee Freedman R. v. 1614, is filed herewith and made a part of the record in this case.

The evidence in these cases shows that Jesse Rowe and Permelia Rowe are husband and wife, and that they were at one time slaves of a Cherokee citizen who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Helena Rowe, Celia Rowe, Jesse Rowe, Jr., Ara Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Bessie M. Wilson, Savannah Reese, Martha Lyons, Adami (Adamiah) Seals, Alverta Seals, Pearly Seals, Clifford Seals and Joseph Rowe, are children and grandchildren of the said Jesse Rowe and Permelia Rowe, have been since the commencement of the rebellion, and take only such rights as may be possessed by said Jesse Rowe and Permelia Rowe; that the applicants, Charandi Rowe, Gea Rowe, and Lorna Rowe, are the minor children of and claim their rights to enrollment through their parents, the said Joseph Rowe, and Polly Rowe; that the said Polly Rowe was born since 1866 and is the daughter of and claims her right through Judith Chambers.

It further appears from the evidence in the case that neither the said Jesse Rowe, nor Permelia Rowe, returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation, and that the said Polly Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

None of the applicants can be identified on the 1880 authenticated Cherokee Roll.

It is therefore recommended that the applications for enrollment of Permelia Rowe, Nancy Rowe, Saloma Rowe, Celia Rowe, Jesse Rowe, Jr., Arte Ray, Ina Ray, Mary Wilson, Chance Wilson, Joseph Wilson, Bloomie M. Wilson, Savannah Rowe, Martha Lyons, Jesse Rowe, Adam (Adamiah) Seale, Alverta Seale, Pearley Seale, Clifford Seale, Joseph Rowe, Pollie Rowe, Charinda Rowe, Oak Rowe and Laura Rowe as Cherokee freedmen be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and that it be so ordered.

Very respectfully,

(Signed) A. G. Tonner,

Acting Commissioner.

JTM

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W.A. Lane (1906) DOWY W.J.E.
I.T.D. (1906-1904) DEPARTMENT OF THE INTERIOR, J.R.
E.R.S. WASHINGTON. RDR

May 28, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 5, 1906, you transmitted the record in the consolidated Choctaw freedman case of Permelia Dave, et al (D-88), including your decision of April 20, 1906, rejecting the applications for the enrollment of Permelia, Nancy, Salome, Celia, Jesse, Joseph, Pollie, Clarinda, Ona, Dora and Jesse Dave jr., Adam, Alverta, Pearly and Clifford Beals, Martha Lyons, Arra and Ina May, Mary, Minnie, Joseph and Florence M. Willey and Savannah Bogue.

Reporting in the matter May 25, 1906, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

1 inclosure. Acting Secretary.

Executive Department
[illegible]

Helena, Indian Territory, June 7, 1884.

Hon. [illegible],
Attorney for Joseph Bear, [illegible]
Tulsa, Indian Territory.

Dear Sir:

We are hereby advised that the Commissioner's decision dated April 28, 1884, rejecting the application for the enrollment of Joseph Bear, Elizabeth, Ben Bear, Frank, Jane, Ely, Benedict, Henry, Edwin and Lucinda Bear, Ward, Alvarez, Tawney and Gilford Wade, Martha Lyons, Reverend Peter, Mary, Clara, Joseph and Rhoda E. Wilson, has been set aside by an decision, and affirmed by the Secretary of the Interior on May 28, 1884.

Respectfully,

[illegible]

[illegible]
[illegible], et al.

[illegible], Indian Territory, June 7, 1904.

W. V. Mansfield,
Attorney for the Choctaw Nation,
[illegible], Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 26, 1904, rejecting the applications for the enrollment of [illegible], Willie, Carlisle, Ida, Lena, Dora, Jane, Jr., Franklin, Henry, Milton and Willie Jane, Ward, Jesse, Florine and Clifford Ward, Martha Lena, Bennett Lee, Mary, Claude, Joseph and Harold W. Tilpin, and Ada and Ina Lee as Choctaw Freedmen, was affirmed by the Secretary of the Interior on May 24, 1904.

Respectfully,

Commissioner.

D 3016

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 11th, 1901, in the matter of the application of Jesse Rowe Jr., for the enrollment of himself as a Freedman of the Cherokee Nation.

Meredith & Brook

Attorneys for Applicants.

Cherokee F. #2682.

[illegible] OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, [illegible] 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman of
Rhody Canard.

Rhody Canard, being duly sworn, deposed as follows:

Mr. Bixby: What is your name? A - Rhody Canard.

Q - How old are you?

A - He says about 60; I don't know my age.

Q - How big a girl were you when the war broke out?

A - They brought me from the old nation. I was about that high when they brought me along.

Q - You were a grown woman and had a family when the war broke out? A - yes, sir.

Q - What is your post office address?

A - Ridge.

Q - Where do you live? A - Just inside of Ridge.

Q - How long have you been living in the Creek Nation; about how long? A - I don't know, sir.

Q - Did you ever live in the Cherokee Nation?

A - yes, sir, they raised me.

Q - Have you lived outside the Territory during the past three years?

A - No, sir.

Q - To which district do you belong?

A - Flint district.

Q - Were you a slave? [illegible]

Q - Who was your [illegible]

Q - What was your [illegible]

A - My father's [illegible]

Q - Is he living or [illegible]

A - Yes, sir, he is dead and my mother too.

Q - Was he a Cherokee Freedman? A - yes, sir.

Q - To which district did he belong?

A - I don't know, sir, I was too small.

Q - Who was your father by crown? A - I don't know sir.

Q - What was your mother's name? A - Judith.

Q - Is she living or dead? A - Yes, sir, she is dead.

Q - Was she a Cherokee freedman? A - Yes, sir.

Q - Who belong to Will Grumbly band? A - Yes, sir.

Q - Are you married? A - Yes, sir.

Q - What is the name of your husband?

A - Sam McDonald Sanders.

Q - Is he a Cherokee?

A - No, sir, a Creek.

Q - Have you any children under 21 years of age?

A - No, sir, I haven't got any children.

Q - Did you ever have any name besides Grumbly or Sanders?

A - No, sir, I never held to anybody.

Q - Never went by any other name? A - No, sir.

Q - Did you ever draw any money in the Cherokee Nation?

A - Yes, sir.

Q - Which money did you draw?

A - I drawed the Wallace, $15.00.

Q - You didn't draw the strip money? A - No, sir.

Your enrollment is refused for the reason that your name is not found on the authenticated Cherokee Roll of 1880.

Department of the Interior,

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

FILED

MAY 11 [illegible]

DEPARTMENT OF [illegible]
COMMISSION [illegible]

FILED

MAY 11 [illegible]

[illegible] ACTING CHAIRMAN

CHECKED FREEDOM

R. 27

Statement of Applicant Taken Under Oath.

CHEROKEE FREEDMEN.

Date 5/11 1900.

Name Rhoda Canard. Age about 65

District Flint. Ridge P.O. Year Page No.

Mother's citizenship Cherokee freedman Judith Brewett

Married? yes. Sam Canard. Creek.

License Certificate

Wife's name

District Year Page No.

Mother's citizenship

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
8 JUN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., [illegible], 1901.

In the matter of the application of Rhoda Damarsh for enrollment as a Cherokee freedman, post office address Bunch, I.T., and having testified as follows: Examination by the Commission.

Q What is your name? A Rhoda Damarsh.
Q How old are you? A I don't know exactly but them I was told I was 63.
Q What is your post office address? A It is Bunch I live in the Creek Nation, it is at Ridge is the post office.
Q Do you apply for enrollment as a Cherokee freedman? A Yes, sir, I am.
Q Do you apply for anyone besides yourself? A No, sir, just myself.
Q Were you a slave? A Yes, sir, a slave of a Grimmett he raised me.
Q To whom did you belong? A Grimmett.
Q What was his given name? A William Grimmett.
Q Was he a Cherokee Indian? A Yes, sir.
Q Where were you born, Auntie? A I was born in Alabama.
Q How old were you when you came to this country? A Oh, I was small.
Q Brought you as a child to this country? A They raised me here
Q How long have you lived here? A I wasn't more than that high (indicating) when they brought me here, I never was cold in my life.
Q Where were you living when the war between the United States and the Confederacy came up? A I was living with them.
Q In the Cherokee Nation? A In Flint district.
Q How long did you remain here then? A Why I remained here till the war was pretty near ended.
Q Where did you go then? A Just after I was working here at the headquarters for Mr. Thomas, Captain Hummer and after he told me I had to, I could not stay any longer he sent me off.
Q Where did he send you to? A He sent me to the other headquarters.
Q Where was that? A That was to Gentry.
Q Fort Gentry? A Yes, sir.
Q How long did you remain there? A That was after 'bout I went he told me I could come back when I got ready.
Q How long did you stay in Fort Gentry? A I stayed there two or three years.
Q When did you say you left the Cherokee Nation? A I can't tell you, I can't read none.
Q How long was it after the war? A After the war?
Q Yes? A I child there one or two years and came back.
Q Well, how long after the war was it before you left the Cherokee Nation? A I can't tell you exactly, you people what can read knows what to say.
Q Well, about how long, was it as much as a year or two years after the war? A Just two.
Q You stated you remained in Fort Scott about three years?
A It wasn't quite three years.
Q Where did you go then? A I came home.
Q Back to the Cherokee Nation? A Yes, sir.
Q How long did you remain here? A I remained here a long while, I went before, lets see what is his name, I forget the Chief's name, Mr. Ross told me you are all right he says.
Q Never mind that Auntie, how long did you stay down here?
A I stayed down here yet.
Q You are staying in the Creek Nation yet? A I stayed here till I married.

Rhoda Canard.--4.

Q When was that? A I don't know.
Q How long ago has that been? A I don't know.
Q Ten years ago? A Longer than that.
Q Did you have any children by your Creek man? A No, sir.
Q Is it as much as twenty years ago? A I guess it is.
Q Since your marriage you have been living in the Creek Nation all the time? A Yes, sir.
Q Is your name upon any of the Cherokee rolls? A I mean, I don't know if they let it stay there.

The 1880 Authenticated roll, 1896 census roll, and Kern-Clinton Payroll of Cherokee freedmen Freedmen and applicants were not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 185, #3357, Rhoda Grimmett, no district given.

Q What was the name of your Creek husband? A Sam Canard.
Q Were you ever married to any other man besides Sam Canard?
A No, sir.
Q Grimmett was your maiden name? A Yes, sir.

BY MR. W. W. HASTINGS, the Cherokee Representative:

Q What was your owner's wife's name? A Rebecca.
Q Rebecca Grimmett? A Yes, sir.
Q Did they have any children? A Yes, sir.
Q What were their names? A One was named Sam and the other Elizabeth, that is all the children she had.
Q Who were your neighbors up there in Flint before the war?
A The Lowrey's, Jane Lowrey, and Mr. Hickey and I don't know.
Q Did you know Tom Hickey? A I ought to.
Q Well, did you? A Yes, sir, I thought you were talking about his children.
Q Did you know Mrs. Ben McDaniel at Muskogee? A What was her name?
Q Her name was Hickey? A I knowed all these children, they knowed me too.
Q Did you know her? A I knowed them all, but I have been sick and I don't know none except what I know right now.
Q Did you any of the rest of your neighbors up there?
A Of course I knowed my neighbors if I was to see them again.
Q What town were you living near? A Flint District.
Q What town? A I don't know.
Q Did your Master go to town to trade any? A He lived right close, six miles from Col. Adair's place and place called Caney.
Q What kind of a house did he live in? A They didn't have no fancy houses in them days; just lived in a good log house.
Q How many rooms? A Only two rooms and kitchen.
Q Did he take you out of here during the war? A What?
Q Name was Bill Grimmett wasn't it? A Yes, sir.
Q Did he take you out during the war? A No, sir.
Q Who did you stay with? A I lived with his family, he died the old man died.
Q How long before the war? A About seven years aberore the war.
Q Well, then you were living with his family? A Yes, sir, I belonged to them, they raised me.
Q Did you stay right there at Flint? A Of course I did.
Q During the war? A Yes, Well, I could not stay there, they could not stay there themselves.
Q Well, where did you go? A I came here.
Q Straight from Flint? A Yes, sir.
Q You didn't go any other place from Flint? A I came right to this place.
Q Was that at the breaking out of the war? A No, sir, it was in the middle.

Rhoda Conard,--3

Q Well, where did you stay the first year or two of the war?
A At home.
Q Do there with them? A Yes, sir.
Q Any of them alive now? A Well, the boys, they got killed time the war was going on and the other one I don't say, the youngest one.
Q Was he home before the war or after the war? A He was home before the war.
Q Well, how many of these people were living before the war?
A There is not any living, I am tired.
Q You have got all to them down now? A I say two of them died of sickness.
Q How many of them were living when the war came up? A Aren't any of them; two girls was living.
Q What were their names? A I told you.
Q Well, tell me their names again? A Betsy.
Q Was she single? A She was married.
Q Who did she marry? A Taylor.
Q Betsy Taylor? A Yes, sir.
Q Now were you living with Betsy? A I was living with her and her mother both.
Q What was her mother's name? A Rebecca.
Q And they were living in Flint District? A Yes, sir.
Q What was Betsy Taylor's husband's first name? A William.
Q They were living up there in Flint District? A Yes, sir.
Q How long did you continue to live with them, the first two or three years of the war? A I don't know so much about the war, how long it lasted I was with them until I could not stay any longer.
Q Who did you come off with? A Whole lot of them came off with me.
Q How did you come to leave your mamma? A Some people coming off and could you have to go and I come on far as Mr. Rose' and stopped.
Q Did you come with the soldiers on up to Fort Scott? A No, sir.
Q Didn't they take you up from Flint? A No, sir, they didn't take me from Flint either. I say I stopped to Mr. Rose'.
Q Which Rose? A The Chief, he was living there.
Q Where was he living? A He was living on Park Hill.
Q Had he left there then? A He was there at home yet.
Q Soldiers around there? A No, sir, the soldiers hadn't come, but when they came after him they took.
Q And they took all of you up with them? A No, sir, I didn't go I went back home.
Q Went back to Flint? A Yes, sir.
Q With yourself? A No, sir, whole lot of them. I didn't know these people where there a whole lot of them.
Q Didn't you know some of them you went back with? A I just went with the people that I seed was going back home, we just thought we would get to live again home.
Q Did you find your folks over there? A I went home I told you.
Q Well, how long did you stay there that time? A I stayed two or three days and I had to go again.
Q Where did you go then? A The soldiers.
Q Took you? A Yes, sir.
Q Where did you go then? A They took me here; they said I was going to get free and she told me to go and said if I was going be slave they wanted me back and if I was going to be slave to a bank.
Q How long did you stay here, auntie? A I stayed all the I until the spring.
Q Now, where did you go in the spring? A I told you.
Q Fort Scott? A Yes, sir, that was after 'bout you all talk

Rhoda Gamard.--4.

Q You come here in the fall and stayed until the next spring?
A Yes, sir.
Q And then you went to Fort Scott, Kansas? A Yes, sir, I worked around here until they wouldn't let me stay any longer.
Q The soldiers brought you here? A Yes, sir.
Q They were all over the country? A The place was full, I didn't go around, I didn't know how many there was.
Q That was in the fall you come here? A Yes, sir.
Q You remember that? A Yes, sir.
Q And you stayed here until the next spring? A Yes, sir.
Q And then the soldiers took you to Fort Scott? A Well, yes, sir, not the soldiers, I didn't go off with the soldiers, I went with the Forage Wagons, there was a whole lot sent up there, the Government sent us up there.
Q Did you see any soldiers along the road? A Yes, sir, there was soldiers with us but I wouldn't know the difference of others; my sister had a whole lot of children and she would not go unless they would give us all the children and she got them.
Q You could not stay there any longer? A They sent us and give us a whole lot of rations and told us to stay until further orders.
Q You stayed here at Fort Gibson one winter? A Yes, sir.
Q That was from one fall until the next spring? A Yes, sir, that was after I left home.
Q Well, I know that? A Yes.
Q Did you hear any fighting along about that time? When you were here? A Yes, sir, fighting was going on but I wasn't in it.
Q You kept out of it didn't you, Auntie? A Yes, sir.
Q Did you hear of any fighting as you went to Fort Scott?
A It was a cruel time.
Q Did you hear of any shooting and fighting as you went to Fort Scott along the road? A No, sir.
Q You kept out of it didn't you, Auntie? A Yes, sir.
Q Well, now, who did you live with up there at Fort Scott?
A Who did I live with?
Q Yes. A I lived with a great many people, who would I say; do you know any of them up there?
Q Well, if you lived there you ought to know. A I just worked around them people there and I didn't hardly know their names right now.
Q When you left there where did you go back to? A I came back here.
Q Who brought you back here? A I married while I was up there, this same man.
Q This fellow Gamard? A Yes, sir.
Q How long have you been married, Aunti; I bet you remember that?
A I don't know much about it, my niece there can tell you about it.
Q Now, you tell us as near as you can about how long you have been married? A I just could not tell you nothing about that, I can't read.
Q How long did you live up there after you were married? A I didn't live there at all.
Q As much as ten years? A I didn't live there at all, I came off.
Q Where did you come to? A I came here.
Q Fort Gibson? A Yes, sir.
Q Where have you lived here in town? A I stepped up to Mr. Nash' and worked there a while.
Q Mr. Florine Nash's? A Yes, sir, cause my sister was living there.
Q That was when you first come back? A Yes, sir.
Q What was he doing here? A He was tending to some kind of business.
Q Was he running a commile? A No, sir, I think it was a store or something.

Q Do you know who was Chief at that time? A That is what I wanted to see, study--Bushyhead I think.
Q Bushyhead? A Yes, sir.
Q Mr. Bushyhead was living here at that time? A I don't know where he was living but he was Chief.
Q Have you got any record any place you could find when you were married? A What?
Q Have you got any record of where you were married and when you were married and by whom you were married? A My husband has got it.
Q Where were you married, in Fort Scott? A Yes, sir.
Q Was your husband? A Yes, sir.
Q What is his name? A Samuel Canard.
Q And how you lived up there from the time you went up there with the troops until you married and you come back down here?
A Yes, sir. I don't know how you got it, I am blind of it, I have been sick and I can't stand it and don't talk to me until you get me relish, you have asked me enough, I must tell you you ask me too many questions, more than half of them is unreasonable, your friend you know it too.
COMMISSIONER: Auntie, how long after the beginning of the war did you live in Flint district, for how many years after the war? A I lived there?
Q Yes, how long did you live there? A I lived there until I could not live there any longer, I was only gone from the war you see it lasted here, a year or two, that is therefore I didn't want to tell so much about this war business.
Q You don't have any idea how long you lived in Flint after the war began? A No, sir.
Q You don't know whether it was a year or two years or three years?
A I was at home at the time the Pea Ridge battle was going on you people know about it.
Q Well, how many long did you stay at home after the battle of Pea Ridge? A I stayed a whole spring and winter.
Q And then you came to Fort Gibson? A Yes, sir.
Q Did you then go back to Flint? A No, I darsen go there for getting killed.
Q You didn't go back? A No, sir.
Q And then you stayed here how long before you went to Fort Scott?
A I don't know.
Q Was it as much as a year or two years? A I don't want to tell any lies, I told you the truth while I had some sense.
MR. HASTINGS: You said you come here in the fall and stayed until Spring? A Yes, sir.
COMMISSIONER: And you stayed about six months? A (No response.)
MR. HASTINGS: What are your two witnesses names? A Sister Grimmit and Annie.
Q Did you know them both before the war? A I raised this Master.
Q Where did you see this Master after the war? A She was with me She was and that went with me to Fort Scott.
Q Did she stay with you up there until you married?
A Yes, sir, I think, I don't know, she will tell you, I was not keeping track of her all the way.
Q She went up there with you and stayed with you until you got married? A No, sir.
Q You was in Fort Scott? A Yes, sir.
Q Now, where did you see this other woman? A She stayed here she lives out here in the country.
Q You never saw her after the war until you went got back down from Fort Scott? A No, sir.

KARRIE WYNNEWY, being duly sworn, testified as follows on part of Applicant, by the Commission:

Rhoda Canard--d.

Q What is your name? A Hester Grimmett.
Q How old are you? A I am somewhere in 50, something I don't know exactly.
Q What is your post office address? A Ruby.
Q Are you acquainted with the applicant? A Yes, sir, she is my aunt.
Q What is her name? A Rhoda Canard her name was Rhoda Grimmett.
Q How long have you known her? A I have known her all my life, she helped me.
Q Do you say that she helped raise you? A Yes, sir, in the place.
Q Were you living with her before the war? A Yes, sir, up in Flint.
Q She was living in the Cherokee nation at that time?
A Yes, sir, with old man William Grimmett.
Q How long did she remain in Flint district after the outbreak of the war? A I don't know that, we was all took here and took to Kepahe and set free and scattered.
Q About how long did she remain there after the outbreak of the war? A Didn't any of us stay.
Q Did you leave after the war began? A They took us away.
Q Where did they take you? A Took us to Kenoma.
Q How long did you remain at Keoma? A About a month.
Q Where did you go then? A Fort Gibson.
Q How long did you remain at Fort Gibson? A Until after the war.
Q Was she with you all the time? A No, sir, we looked for different officers.
Q Was she taken to Keoma when you were taken there?
A Yes, sir, and she came back here to Gibson.
Q And how long did you say she remained here?
Q Well she hired out to some officers about three and was mistreated out with them.
Q What do you mean when you saw she was out? A With the officers she would be out seeking for them.
Q Where did she go after the close of the war? A She was living in the Creek Nation, about 30 years I guess, she married a Creek and went to the Creek Nation.
Q Were you acquainted with her Creek husband? A Yes, sir, Sam Canard.
Q When was she married to him? A I could not tell you that.
Q Before the war or after the war? A Just after they mustered them out.
Q Immediately upon her marriage to Samuel Canard did she leave the Cherokee Nation? A Yes, sir, went to the Creek Nation.
Q Has she lived there all the time? A Yes, sir.
Q Did she ever come back to this place, Cherokee Nation?
A Just when she comes backwards and forwards.
MR. HASTINGS: Who married her to Sam Canard? A I could not tell you who for I don't know.
Q Did you go up with her when she went on her trip to Fort Scott?
A No, sir.
Q You knew she went? A She can tell who went.
Q Why don't you tell the Commission that?
A Well, don't asks me she went to Fort Scott.
Q You said she married and went to the Creek Nation?
A Yes, sir, I said that, he didn't ask me, she can tell where I was hardly there for I wasn't with my people all the time.
COMMISSION: I asked you whether or not she lived continuously in the Creek nation after her marriage to Sam Canard and you said yes? A I told you the truth.
Q Did she ever leave the Creek Nation? A No, sir, she hasn't left the Creek nation since she has married.

Rhoda Canard)--?

Q You she went with you to Kansas? A Yes, sir, she was with me to Kansas.
Q What year was that? A It was in war times, they would not keep any time at that time; it was just right at the beginning of the war.
Q She didn't stay there very long? A They went on there until they would bring us back here.
Q When they brought her back to Gibson how long had the war been going on? A They was fighting all the time.
Q You came here in the fall? A No, sir, it was in the spring.
Q You left here the next spring? A I don't know what she done.
Q Well, if you were with her didn't you know? A Well, I don't know where she went, I was with the mountaineers looking for the regiment.
Q You don't know when she left and went to Fort Scott?
A No, sir.
Q But it must have been during the war? A Yes, sir.
Q Then if she testified you went with her she is mistaken?
A I went with the officers when I went.
Q The fighting was going on when she went?
A Yes, sir, and it was going on when I came back.
Q She didn't marry in Fort Scott? A No, sir.
Q Do you know that to be a fact? A Yes, sir, she didn't marry in Fort Scott.

Rhoda Canard, the applicant, recalled: (By Mr. Hastings)
Q Auntie, you testified on the stand here a while ago you married in Fort Scott, Kansas? A It was in Kansas.
Q What was your husband's name you married then? A His name was Sam Canard.
Q How many years after the war was it you married Canard? A I told you I didn't exactly know.
Q Well, about how many? (No response.)
Q About ten years? A Yes, longer than that, I can't tell you just when.

ESTER GRIMMETT, recalled by Mr. Hastings:
Q Don't you know that Bill Grimmett married before the war?
A I said he was hung.
Q Now, didn't you say that you were living with Bill Grimmett when the war came up? A He was living on his place.
Q Where were you living with? A Old Miss Beck our old Mistress.
Q Did she marry somebody else? A No, sir. She was just living on the place the youngest mistress of the old.
Q Who was your youngest Master? A Becky Tayler.
Q Do you know Jim Tayler? A Yes, sir, my young Master, would be if it was slavery.

AMY SMITH, called as a witness for Applicant, being duly sworn testified as follows: (By the Commission)
Q What is your name? A Amy Smith.
Q How old are you? A 70 years old.
Q What is your post office address? A Fort Gibson.
Q Are you acquainted with the applicant, Rhoda Canard? A Yes, sir, I was acquainted with her.
Q When did you first learn to know her? A I have been knowing her all my days.
Q All your life? A Yes, sir.
Q Where were you living when you first met her? A When I first met her?
Q When you first met her, when you first learned to know her were you living? A Little district called Greasy Valley.
Q In that in the Cherokee nation? A Yes, sir.

Rhoda Canard--2.

Q What is that called now? A I don't know.
Q Well, about how long was that before the war? A That I knowed her?
Q Yes? A I can't tell you how long it was before the war.
Q Was it as six or seven years before the war? A It was longer than that.
Q Did she move here from there when the war came up? A Yes, sir, she went somewhere, I don't know where she went.
Q When did you first see her after she went away from there?
A After she went away from there and came back it was here.
Q When was that? A It was when they were taking the census here before.
Q Is that the first time you had seen her after she went away from down there? A Yes, sir.
Q Did she live down there before the war broke out?
A No, sir, she lived there after the war broke out.
Q You say you saw her while they were taking the census, so was about how long ago was that? A I don't know.
Q Was it when they were making the Kern-Clifton roll?
A Yes, sir.
Q That would be about five or six years ago? A I guess so.
Q And that was the first time you saw her after she left down there in Flint district? A Yes, sir.

MR. HASTINGS: Where had you been a living since the war?
A I was living right here.
Q Fort Gibson? A Yes, sir.
Q You have been living here ever since? A Yes, sir.
Q And that is the first time you had seen her, when Kern-Clifton made the roll? A Yes, sir.

COMMISSION: Rhoda Canard applies for the enrollment of herself as a Cherokee freedman. She is not identified upon any of the tribal rolls in the possession of the Commission except the Walker roll. It appears from the testimony that at the outbreak of the war she was living in Flint district, in the Cherokee Nation. She lived there shortly after the outbreak of the war and came to Fort Gibson and remained here one year and then went to Fort Scott, Kansas. She was married in Fort Scott, Kansas, to one Samuel Canard, whom she avers is a citizen of the Creek Nation. Immediately after her marriage to same Samuel Canard she moved to the Creek Nation and has been living there ever since. For the further consideration of the Commission she will be listed for enrollment as a Cherokee freedman upon a doubtful card. When the decision of the Commission is finally rendered by the Commission she will be notified at her post office address.

Applicant, Rhoda Canard, recalled: By the Commission:
Q Auntie, have you ever tried to be enrolled as a Creek?
A No, sir.
Q Have you ever tried to draw any money from the Creek Nation?
A No, sir, because I knowed I wasn't a Creek raised and when they was drawing money I didn't go because I knowed I didn't have no business there.

---oo0oo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this September 23d, 1901.

[illegible] Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 20 1901

ACTING COMMISSIONER

MEMORANDUM [illegible]

District

Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Name of wife [illegible] Age [illegible]

Owners name [illegible] Citizenship [illegible]

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

Not on Wallace Roll as Rhoda Grummett.

Cherokee Freedmen D-1049.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rhoda Canard as a Cherokee Freedman.

DECISION.

The record in this case shows that on September 20, 1901, Rhoda Canard appeared before the Commission at Fort Gibson, Indian Territory, and made application for her enrollment as a Cherokee freedman.

The evidence shows that the applicant, Rhoda Canard, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It does not appear that the applicant, Rhoda Canard, is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Rhoda Canard as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Rhodes
Commissioner.

Commissioner.

Muskogee, Indian Territory,

this APR 29 1904

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Rhoda Genard,
Vidmo, I. T.
Cherokee-F-F-1048.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

On [illegible], you made [illegible] to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1866. Since that date the instructions of the Department in reference to the enrollment of Cherokee Freedmen have been [illegible], making it the duty of the Commission now to hear the testimony [illegible] and against the identity of all freedmen, free colored persons and their descendants, and those who were found to have [illegible] the re-

[illegible]

given a further hearing at any one of the points named in the enclosed circular, or at the office of the Commission at [illegible] any day between the 20th day of June and the last day of July, 1900.

Yours truly,

Acting Chairman.

Encl. 1.

Cherokee Freedmen
D-1049.

Muskogee, Indian Territory, May 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Enola Canard as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Through the
Commissioner of Indian Affairs. Chairman.

Enc. D-131.

Cherokee Freedmen
D-1049.

Muskogee, Indian Territory, May 4, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Rhoda Canard as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams

Enc. D-130.

Chairman.

Cherokee Freedmen
D-1049.

Muskogee, Indian Territory, May 4, 1904.

Rhoda Canard,

Ridge, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

Enc. D-129.

Refer in Reply to the following:

Land

3021S-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated May 3, 1904, transmitting the record of the application of Rhoda Gossard for enrollment as a Cherokee freedman.

April 20, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the said Rhoda Gossard was the slave of a Cherokee citizen at the commencement of the war of the Rebellion; that during the war she left the Cherokee Nation and did not return thereto and establish a residence therein on or before February 11, 1867. The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. B. Tonner,

Acting Commissioner.

MMT

D.C. 1278-1904
I.T.D. 4172-1904
L.R.S.

F. C. T.
FTR

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 23, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 4, 1904, you transmitted the record in the matter of the application for the enrollment of Rhoda Oneard as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 21, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary.

1 inclosure.

Cherokee Freedman
D 1044

Muskogee, Indian Territory, June 7, 1904.

Rhoda Canard,

Ridge, Indian Territory.

Dear Madam:

You are hereby advised that the commission's decision dated April 20, 1904, rejecting your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on May 26, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 1048

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Rhode Conard as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 28, 1904.

Respectfully,

Chairman.

Muskogee Indian Territory, 8-15-1905

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES one copy of the decision in The matter of the application for enrollment of Rhoda Conard as a citizen of the Choctaw Nation (Freedman)

Harry Gibbons
Attorney for Applicant.

Cher Fr R 369

See Cher Fr R 87

Cher Fr R 369

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 20 1901
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 17th, 1901.

In the matter of the application of Rosa Moore for the enrollment of her sister, PEARLY MUSGROVE, as a Cherokee Freedman; said Moore being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q. Give me your name? A. Rosa Moore.
Q. How old are you? A. About 47 years old, or 48 somewhere.
Q. What is your post office? A. Ketchum.
Q. In what district do you live? A. Delaware.
Q. Are you the Rosa Moore that is married to Nelson Moore?
A. Yes, sir.
Q. Who is it you want to have enrolled now? A. My sister, my youngest sister.
Q. How old is she? A. I don't know her age just exactly, but I think she is somewhere about 15 years old.
Q. What is her name? A. PEARLY Musgrove.
Q. Give me the name of this child's father? A. Jack Musgrove.
Q. Is he alive? A. No, sir.
Q. Give me the name of the child's mother? A. Sallie Musgrove.
Q. Is she alive? A. No, sir.
Q. How long has Sallie Musgrove been dead? A. I don't know just exactly she had been dead, but she died somewhere just about the time of the Hayden payment.
Q. About the time of the strip payment? A. Yes, sir.
Q. About four years ago? A. Something like that.
Q. This child, Pearly, is living with you? A. Yes, sir.
Q. This is your half sister isn't it? A. Yes, sir.
Q. What was your mother's name? A. My mother was named Rachel Daniels.
Q. Was Jack Musgrove your father? A. Yes, sir.
Q. How long has Jack been dead? A. He died shortly after his wife died.
Q. Did your mother die before Jack married this wife, Sallie?
A. Well, I don't really know whther my mother died or what become of her, when they was sent her south during the war I was a small child, I was only five years old.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the names of the parents of applicant's sister not found thereon.

APPLICANT: She (Meaning her sister) ain't on no roll.

Q. Was this child's mother ever admitted to enrollment?
A. Not that I know of.
Q. Was her father ever admitted to enrollment? A. On the Wallace roll I think.
Q. How comes that that child is not on any roll? A. I could not tell you why she was on no roll because I don't know anything about that part of it because she has only come in my hands, she ain't had no parents to see after her.

The Wallace Roll of Freedmen of the Cherokee Nation examined and the name of the father of applicant's sister found thereon page 129, #2801, Jack Musgrove, Goowoescoowee Dist.

Q. You say this child, Pearly didn't draw strip money? A. No, sir, not as I know of.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of a half sister, whom she states is 13 years of age, is an orphan and his living with her. The child cannot be identified upon any roll, nor can its father who is said to have died some four years ago be identified upon any roll. The father is identified upon the Wallace Roll.

Rax Moore--2.

Under these conditions it is not seen upon what ground the child can be enrolled at this time and she will be listed for enrollment as a Cherokee Freedman on a rejected card.

---oooOOOooo---

J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me this 18th day of May, 1901.

C. R. Breckinridge

Commissioner.

B

Nov. 01

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 17 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 17, 1901

Post Office Fletcher I.T.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Carolyn Musgrove Age 13

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Jack Musgrove Citizenship .....

Mother Sallie " (dead) Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Rosy Moore Stenographer J. D. Rosson

Rejected

not on any roll.

May 17th 1901
Vinita, I.T.

R78

Freedmen

Frank Parkhurst, [illegible]

[illegible], Frank [illegible] ere, about the year 1877, [illegible] [illegible] that the children was applied [illegible] and raised [illegible] the Cherokee [illegible] the [illegible] the [illegible] by reason of the fact that Ladd [illegible] is identified upon the Dawes roll as full [illegible] and further that they request be there [illegible] further leave [illegible] and Frank Parkhurst, his sister Clara, brother Charles, sister Pearl, and brother Sunny, will not be listed for enrollment as Cherokee Freedmen upon a [illegible] but to await further consideration of the Commission [illegible] of the application. Proof of birth will be necessary to be filed for the red ear children.

[illegible] Commission, being first duly sworn, states that he acted as stenographer for the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 16th day of June, 1907.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Frank Musgrove for the enrollment of himself and four brothers and sisters as Cherokee Freedmen, said Musgrove being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Frank Musgrove.
Q How old are you? A 24.
Q What is your post office? A Talala.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My brothers and sisters; you said the other day I looked witnesses to come in here with my wife.
Q You looked a witness for what? A To enroll the other day, you wrote it down and said wait until Aunt Grace came in and I went and got Aunt Grace.
Q Are you married? A Yes, sir, I am married.
Q What is your wife's name? A Eliza Carter her ore I married her.
Q Your wife has been enrolled? A Yes, sir.
Q You have not been enrolled yourself? A No, sir.
Q Who do you apply for now besides yourself? A Sisters and brothers.
Q Is your name on any of the rolls of the Cherokee Nation?
A It is on Mr. Kern's roll.
Q What is your father's name? A Jack Musgrove.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Sallie Musgrove.
Q Is she living? A No, sir, she is dead.
Q Well, now, who do you want to enroll, these children here?
A Yes, sir.
Q Your name is Frank? A Yes, sir.
Q What is the next one's name, Clara? A Yes, sir.
Q Is she 17? A Yes, sir.
Q What is the next one? A Sidney.
Q Is she 13? A Yes, sir.
Q What is the next one? A Pearl.
Q How old is Pearl? A 11.
Q The next one? A Turner.
Q Eight years old? A Yes, sir.
Q Henry? A He is three.
Q Is that all? A Yes, sir.
Q Five of you besides Eliza? A Yes, sir.
Q Is Eliza here? A No, sir, she ain't here.
Q How far is it she lives from here? A She don't live very far.
Q Is your name on any of the rolls of the Cherokee Nation?
A I don't know whether it is or not, when Mr. Clifton.
Q None of these children married? A No, sir.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 129, #2702, Walter F. Musgrove, Coowescoowee District.

Q Is your name Walter? A My right name ought to be Frank Musgrove, that is the way my father put it down.
Q Did you ever draw strip money for these children? A Yes, sir, we drawed some.
Q Did you draw strip money? A No, sir.
Q You for any of the children? A No, sir.
Q When did you claim your citizenship under? A My father.
Q Jack Musgrove? A Yes, sir.
Q How long has he been dead? A He died in time of the payment, mother and father both.
Q Time of which payment? A This last payment, Freedman payment.

The 1890 Authenticated Roll and 1894 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants,

this father or mother not found thereon.

The Vaillant Roll of freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 320, #6701, Jack Musgrove, Cooweescoowee.

Q was your mother a citizen? A No, sir, my father.
Q Your mother was a non-citizen? A Yes, sir.
Q Are these children for whom you apply your brothers and sisters?
A Yes, sir.
Q Own brothers and sisters? A Yes, sir.
Q How long did you say your mother had been dead?
A She died in the time of the last payment.
Q You have got a child here three years old? A It is my sisters little boy.
Q You said he was your own? A No, sir; I said my sister's.
Q Is Clara your sister? A Yes, sir.
Q Sidney? A Yes, sir.
Q Pearl? A Yes, sir.
Q And Turner? A Yes, sir.
Q Well, Henry, is your sister's child? A Yes, sir.
Q What sister? A Eliza.
Q Eliza hasn't been enrolled? A No, sir.
Q Eliza has enrolled her own child.
Q Where were you born? A I was born in Kansas.
Q In the State of Kansas? A Yes, sir.
Q Where was Clara born? A She was born in the Cherokee Nation down here on Caney.
Q Sidney? A Down here on Caney.
Q These children all born in the Cherokee Nation except you?
A Yes, sir.
Q You were born in Kansas? A Yes, sir.
Q When did you come from Kansas to the Cherokee Nation?
A When I was a little fellow.
Q With your father and mother? A Yes, sir.
Q Have you been living in the Cherokee Nation ever since?
A Yes, sir.
Q Are you married yourself? A Yes, sir.
Q Is your wife a citizen? A Yes, sir.

BY MR. JS. DAVENPORT, Cherokee Representative:

Q Frank, how old are you? A 24.

HAMMER BROWN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Hammer Brown.
Q How old are you, Mr. Brown? A 56 years old.
Q What is your post office? A Lenapah.
Q Do you know Frank Musgrove? A Yes, sir.
Q What was his father's name? A Jack Musgrove.
Q What was his mother's name? A I don't know his mother.
Q Was Jack Musgrove a slave? A Yes, sir.
Q Whom did he belong to? A Man by the name of Musgrove.
Q Was he a Cherokee? A Yes, sir.
Q How long did you know him? A I knowed Jack Musgrove before the war.
Q Well, do you know whether he went out of the Cherokee Nation during the war? A Yes, sir, he went out.
Q Where to? A I don't know where he went; he came to my house about 30 years ago, and stopped all night.
Q Is that the first time you remember him after the war? A Yes, sir.
Q Do you know when he returned? A No, sir.
Q Do you know his children? A Yes, sir.
Q Give me their names? A I don't know them little men.
Q You know Frank? A Yes.

He is the only one I know.
Q The first time you saw Jack Musgrove was before the Civil War was about 30 years ago? A Yes, sir.
Q Where was it at? A Up on Hickory Creek.
Q Did you know him from that time until his death?
A Yes, sir.
Q Did he live in the Cherokee Nation from that time until his death? A Yes, sir.
Q How long ago did he die? A About time of the Clifton payment.

FRANK DANIELS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Frank Daniels.
Q How old are you? A I am about 40.
Q Are you a Cherokee Freedman? A Yes, sir.
Q What is your post office? A Tahlela.
Q Live in Cooweescoowee District? A Yes sir.
Q Do you know Frank Musgrove, the applicant? A Yes, sir.
Q Did you know his father? A Yes, sir.
Q What was his name? A Jack Musgrove.
Q Is he living? A No, sir.
Q Do you know whether Jack Musgrove was a slave or not?
A I heard he was.
Q You don't know it? A No, sir.
Q When did you first know Jack Musgrove? A I got acquainted with Uncle Jack Musgrove's family in about '87.
Q That is the first time you ever saw Frank Musgrove?
A Yes, sir.
Q You didn't know him before the Civil War? A No, sir.
Q Where was he living then? A He was living over there close to Frank Musgrove's near to Claremore.
Q Do you know his children? A Yes, sir.
Q Can you give me their names? A Yes, one of them, a sister Eliza and had several little ones, one called Tiner and one.
Q Called one Pearl? A Yes, sir.
Q Didn't have one named Sidney? A Yes, sir, had one named Sidney; I have been to the house lots of times; stayed all night there several times.
Q And what was the child's name older than Sidney? A Pearlie I think.
Q Boy or girl? A Girl.
Q Didn't have one named Clara? A I think they did; Yes, sir, I think.
Q Had one named Clara did they? A Yes, sir.
Q Well, then you say you first know him in about '87?
A Yes, sir.
Q Did you know him from that time up to his death?
A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Her name was Aunt Sallie Musgrove.
Q Do you know whether she had been a slave or not?
A No, sir.
Q You knew her at the same time you knew Frank? A Yes, sir.

RAB ROGERS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Rab Rogers.
Q How old are you, Mr. Rogers? A 66 years old.
Q What is your post office? A Lenapah.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Do you know the applicant, Frank Musgrove? A Yes, sir.

Frank Musgrove, et al. vs.

Q How long have you known him? A Ever since he was just could walk.
Q Did you know his father? A Yes, sir.
Q What was his father's name? A Jack Musgrove.
Q How long have you known Jack? A I reckon I been knowing him about 60 years.
Q He is an older man than you? A Yes, sir.
Q When did you first know Jack? A Just when I could recollect at all.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A My old Mistress, Sallie Musgrove.
Q When did you know Jack during the Civil War?
A Well I used him some in time of the War.
Q Where? A Here to Boxter Springs.
Q In Kansas? A Yes, sir.
Q Then where did you next see him? A Well, I didn't see him any more until after the war.
Q About what time after the war? A Well, I guess it was '67.
Q What part of '67, in the spring, fall or winter?
A In the spring.
Q Where was that? A That was down here on Spring Creek.
Q When did you see him after that? A Well, then he came back again.
Q He went away? A Yes, sir, he went back up in Kansas and came back again, I reckon about two years, he went back after his family; then he came down the first time and his wife died; he stayed up there a year and then he came back again; he came twice and then I fixed up some stores and one thing and another and went back up there and moved them down.
Q Didn't have his family with him the first time he came?
A No, sir.
Q About what time did he come back with his family, about a year or two after you first saw him? A Yes, sir.
Q You first saw him in '67? A Yes, sir.
Q Was it a year or two years after say you moved him back?
A It must have been two years.
Q You went up there? A I didn't go, I sent my team.
Q Where did he settle then? A Out on Verdigris there.
Q Did he live there until he died, A He lived right around in the neighborhood.
Q Do you know his wife, Sallie? A Yes, sir; but then I knowed her after she came.
Q You didn't know her before he brought her down? A No, sir.
Q Do you know where he married her? A Married up in the states.
Q Do you know whether she was a state woman or slave?
A She must have been a state woman.
Q Did Jack and her live together as man and wife until he died? A Yes, sir.
Q All these younger children were born? A Down here.
Q You know them all? A Yes, sir.
Q Is she living now? A No, sir.
Q You don't know where Jack Musgrove was during the war, '66?
A No, sir; I heard of Jack over here on Grand river.
Q You never saw him? A No, sir, I just heard of him.
Q You first saw him in the spring of '67. A Yes, sir.

BY MR. DAVENPORT:

Q Did you speak of fixing up teams to go to Kansas and move Jack back? A Yes, sir.
Q Do you remember who went with those teams? A Yes, sir.
Q Who went with them? A Lawrence Rose.
Q Is he living now? A Yes, sir.

MR. W. W. HARRISON, Cherokee Representative:

Frank Musgrove, et al.--5.

Q About how long before you went up there was it that you saw him on Spring Creek; do you think it was a year or two years or how long? A It must have been two years.
Q It must have been two years? A Yes, sir.
Q Now, that is your best judgment? A Let's see what did you ask me?
Q From the time you saw him on Spring Creek until you went for him, about how long a time intervened? A You know he came to Spring Creek and he come back again when I went out to Verdigris.
Q From the time you saw him on Spring Creek until you went for him; about how long, what length of time intervened?
A He went off and stayed north a year and come back and stayed down there all winter, and then he turned in and took my team him and Haywood and went back after them.
Q Well, about two years? A Yes, sir.
Q Well, then, this boy was born when the father and mother come down? A Yes, sir.
Q And this boy gives his age as 24, do you think that is about right? A Yes, sir.
Q It was about two years now before he moved down here that you saw him on Spring Creek? A I think it was about that time, I know he stayed up there a year before he come back.

BY COM'R NEEDLES:

Q How old was this boy when Jack come back; how old was Frank?
A He was just a little fellow; I don't know whether he was sucking or not, or whether he could walk around a little.
Q Jack was by himself when you saw him? A Yes, sir.
Q How long did he stay that time? A I don't know exactly, he stayed about a year up there I reckon.
Q What did he do up there? He had one wife that belonged to the Nation and she died.
Q And when she died he went back? He went back up there and was fixing to bring her down and she died and he walked plum down from there and stayed all winter and took my team and went back.
Q You are talking about another wife what do you mean by that?
A He married another woman.
Q Before he married Frank's mother? A His wife he first married
Q And married up there again? A Yes, sir.
Q And this last wife was Frank's mother? A Yes, sir; and when he come again, he went back and stayed six or seven months, I reckon he stayed a year; he come twice down there; Bill Foreman was a witness to seeing him in '66, and told me he could not come up.

COM'R NEEDLES: Frank Musgrove applies for the enrollment of himself and four brothers and sisters, to-wit: Clara, Sidney, Pearl and Turner. He avers that he is the child of Jack and Sallie Musgrove and claims his citizenship through the right of his father, Jack. He avers that he is 24 years of age and was born in the State of Kansas and was brought to the Cherokee Nation by his father when he was a child, too early to recollect. His name is not found upon any of the rolls of the Cherokee Nation, except upon the Wallace roll, and it is duly identified upon the Wallace roll. He cannot be identified upon the Authenticated roll of 1880 or census roll of 1896, or Keyn-Clifton roll. The name of his father, Jack, is found upon the Wallace roll. His father he avers did six or seven years ago. He avers that his father was a slave of Sallie Musgrove, who was a Cherokee citizen by blood. He makes no satisfactory proof as to the return of his father from the states of Kansas where he went during the Civil War until the year 1867, and the testimony shows that he brought his family from Kansas consisting of the

Frank Hagerty, of [illegible]

applicant, Frank [illegible] the year 1877, [illegible] [illegible] are all living [illegible] Cherokee Nation with the exception of Frank, [illegible]. By reason of the fact that said Frank Hagerty is identified upon the Wallace roll as well as his father and further fact that they request to have permission to introduce further testimony and the fact that Frank Hagerty's sister, Clara, brother, Clara, sister [illegible], [illegible], will not be listed for enrollment as Cherokee Freedmen, make a doubtful card to await further consideration of the Commission. They will be notified by mail at their post office address of the action of the Commission. Proof of birth will be necessary to be filed for the year elder children.

---oo0Ooo---

J. O. Rosson, being first duly sworn, states that he was stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 15th day of July, 1901.

Commissioner.

B

3 D 914

MEMORANDUM OF CHICKASAW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 27, 1901

Post Office Tahlequah I.T.

District Cooweescoowee

1. Name Frank Musgrove Age 24

Owner's name ..... Citizenship .....

Year Walker Page 129 No. 2702 District Cooweescoowee

Parents:

Father Jack Musgrove " " Citizenship .....

Mother Sallie " " Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

2. Clara Musgrove Year ..... Page ..... No. ..... Dist. 17
3. Sidney " Year ..... Page ..... No. ..... Dist. 13
4. Pearl " Year ..... Page ..... No. ..... Dist. 11
5. Turner " Year ..... Page ..... No. ..... Dist. 8
6. Henry " Year ..... Page ..... No. ..... Dist. 3
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No. 1 Stenographer J. L. Rosson

Dismissed

Our Wallace roll as Walter F. Musgrove

2, 3, 4, and 5 — Proof of birth to be supplied.

No. D.....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 1901

Given under my hand this.....

day of.....A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

.....day of....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of.....A.D.1901

.....

Subscribed and sworn to before me

this.....day of.....A.D.1901.

.....
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF the application of Frank Musgrove for enrollment as a Cherokee citizen:

Case No. D 914

To Frank Musgrove Talala I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept 25th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 14th

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Frank Musgrove for enrollment as a Cherokee Freedman.

No. F. D. 914

Henry Pack, of lawful age, being duly sworn on oath states that on the 18 day of September A. D., 1901, he registered to Frank Musgrove whose postoffice is Talala Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Frank Musgrove, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

Notary Public.

No. 914

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901

Given under my hand this .....

day of .....A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of.....A.D.1901

.....

Subscribed and sworn to before me this .....day of.....A.D.1901.

.....

DEPARTMENT OF THE INTERIOR.
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~

FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Frank Musgrove for enrollment as a Cherokee citizen:

Case No. D 934

To Frank Musgrove Talala I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 26th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-17-1901

L. B. Bell.

W. W. Hastings

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Frank Murgson for enrollment as a Cherokee Freedman.

No. F. D. 914

Henry Pack, of lawful age, being duly sworn on oath states that on the 14 day of September, A. D. 1901, he registered to Frank Murgson whose postoffice is Tahlah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Frank Murgson, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

J C Starr
Notary Public.

To be Filed in C. R. R-67.

(C O P Y)

Supl. C.F.B.1914.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FORT GIBSON, I.T., SEPTEMBER 26, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Frank Musgrove as a Cherokee Freedman, introduced on the part of the Cherokee Nation.

APPEARANCES:

The Cherokee Nation makes proof of service on the applicant that testimony would be taken in his case, and comes not.

Mr. W. W. Hastings, attorney for Cherokee Nation.

HAYWOOD ROWE, being duly sworn by Commissioner Needles testified as follows:

Mr. HASTINGS: What is your name? A Haywood Rowe
Q What is your age, Mr. Rowe? A I am about 42.
Q What is your postoffice? A Talala.
Q Are you a refogaized Cherokee Freedman? A Yes,sir.
Q Citizen of the Nation? A Yes,sir.
Q How long have you lived up near Talala? A About twenty years, 28 or nine years, about 28 years.
Q Do you know Frank Musgrove, who was an applicant for enrollment as a Cherokee Freedman? A Yes sir.
Q Whose postoffice is Talala? A Yes,sir.
Q Claims to be about 24 years of age? A Yes,sir.
Q Did you know his father? A Yes,sir.
Q What was his father's name? A Jack Musgrove.
Q Did you know his mother? A Yes,sir.
Q What was her name? A Sallie
Q She was state raised? A Yes,sir
Q You didn't know Jack Musgrove before the war did you?
A No,sir.
Q Are you any relation to this applicant, Frank? A My wife is his cousin.
Q How long have you and your wife been married? A We married about the time Lipe payment, about 19 years ago.
Q Now, when did you get acquainted with this young Frank Musgrove, this applicant? A I got acquainted with him the year before Lipe made the payment.
Q Do you know what years that was? A No, I don't remember w what year that was.
Q Mr. Lipe Treasurer? A Yes,sir, Treasurer of the Cherokee Nation, and Bushyhead was Chief, seems to me like it was 19 or 20 years ago.
Q Well, do you know when Jack Musgrove and his family came back to the Cherokee Nation? A Yes,sir.
Q Well, now state all you know about it?
A Uncle Jack came down here in the fall, nearly/ Christmas, and on the first day of January he got one owen from Rab and one from Muse, his held brother, and they got me to go to Council Grove and move them down here.
Q Council Grove where? A Kansas and got to Council Grove about the first of February and got down here about the second day of April and the next summer Lipe paid out the money.

Q Had you ever seen Jack Musgrove down in this country before?
A Never had.
Q You say he come down and get you to go up there and move his family down? A Yes,sir.
Q His wife and children living up there? A Yes sir.
Q Council Grove, Kansas? A Yes,sir.
Q What children did you bring down? A I brought Frank and Healy and two stepchildren, John, Mary and Henry; they were his children. Frank and Mary is living and Healy is dead.
COM'R MEEDLES: That is Jack Musgrove you moved down?
A Yes,sir.
Q Did you know him before that? A No,sir.
Q You say he got you to go and move them down here? A Well, I didn't know him until he come down that winter before Christmas.
Q What winter? A That was the winter before the payment.
Q What payment? The Lipe payment.
Q Year before the payment in 1880? A Yes,sir.
Q He come to you? A He come, his two brothers, Rab and Muse.
MR. HASTINGS: Give their full names? A Rab Rogers and Houston Rogers.
COM'R MEEDLES: He come to you? A Yes,sir.
Q How long had he been in the Cherokee Nation before that?
A Me and Rab went to Geffeyville and that was the first time we ever saw him, and come to us up there near Geffeyville and him and Rab shook hands and cried, and when we got home his mother, we tied Rab in horse chains and told her it was a horse thief, and he stayed there until fall and we went up there and moved his family back.
Q It was in the year 1880? A No,sir, it was the year before the Lipe payment, we stayed here all the next summer and the next August Lipe made the payment.
Q You had lived here all the time yourself? A Yes,sir, I lived up here on Fourteen Mile creek
Q You never heard of Jack Musgrove until that time?
A No,sir, I lived with his mother.
Q Where? Up On Caney, she raised my wife, Aunty Lucy Rogers, raised my w fe.
Q And you moved Jack and his family? A Yes,sir, from Council Grove , Kansas.
Q Had you never heard of Jake? A I heard them talk of him; she said she didn't know whether she would live to see him or not.
Q Where were you in the year 1866? A Up here on Fourteen Mile creek.
Q Did you know Jack then? A No,sir
Q You never saw Jack from that time until the Lipe payment?
A No,sir.
Q You don't know of your own knowledge whether he had been down here or not? A No,sir, only what his mother said.
Q You don't know of your own knowledge though? A No,sir
Q Did he say anything about being down here before?
A No,sir. He said he never was down here; he told his mother and when he left Musgrove's place before the war to join the army and go up to Council Grove and Leavenworth and married up there.

-2-

Q Married up there? A Yes, sir, at Emporia, Kansas.

Mr. Hastings: I would like to state that that is a matter of public history that Mr. Meadhead was elected Chief in 1879 and Mr. Lipe was elected Treasurer in 1879, and the payment was made in 1880.

-101-

J. O. Besson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) J. O. Besson.

Subscribed and sworn to before me this October 2nd 1901.

(SIGNED) T. B. Needles
Commissioner.

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 29th day of September, 1904.

Notary Public.

Cherokee Freedmen D 914.

EM

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove, as Cherokee Freedmen.

D E C I S I O N.

The record herein shows that on June 27th, 1901, Frank Musgrove appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself, his minor sisters, Clara, Sidney and Pearl Musgrove, and his minor brother, Turner Musgrove, as Cherokee Freedmen.

The evidence shows that all the applicants herein were born subsequent to January 19, 1867, and are the descendants of one, Jack Musgrove, through whom they claim the right to enrollment as Cherokee Freedmen; that Jack Musgrove was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified in decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc., vs The Cherokee Nation, et al., for the return of freedmen to said Nation. It further appears that the names of none of the applicants herein, nor of either of their parents, are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Frank Musgrove, Clara Musgrove, Sidney Musgrove, Pearl Musgrove and Turner Musgrove as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this APR 1904.

Commissioner.

Cherokee Freedman, D-914
" " (R- 87)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pearly Musgrove as a Cherokee Freedman.

-0-

ORDER.

It is ordered that copies of the testimony taken at Fort Gibson, Indian Territory, September 26, 1901, and of the decision rendered by this Commission on April 20, 1904, and approved by the Secretary of the Interior on May 27, 1904, in the application of Frank Musgrove, et al, for enrollment as Cherokee Freedmen, Cherokee Freedman D-914 (R-369), be filed with, and made a part of the record in the application of Pearly Musgrove for enrollment as a Cherokee Freedman, Case No.R-87.

Commissioner

Dated at

Muskogee, Indian Territory,

Sept. 30, 1904

Cherokee Freedmen D-914
" " (R- 87)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pearly Musgrove as a Cherokee Freedman.

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ORDER.

It is ordered that copies of the testimony taken at Fort Gibson, Indian Territory, September 26, 1901, and of the decision rendered by this Commission on April 20, 1904, and approved by the Secretary of the Interior on May 27, 1904, in the application of Frank Musgrove, et al, for enrollment as Cherokee Freedmen, Cherokee Freedmen D-914, (R-369), be filed with, and made a part of the record in the application of Pearly Musgrove for enrollment as a Cherokee Freedman, Case No. R-87.

Commissioner

Dated at

Muskogee, Indian Territory,

Sept. 30, 1904.

Muskogee Freedman [illegible]
[illegible] ([illegible] 87)

[illegible]

[illegible] Nations [illegible]

In the Matter of the Application for the enrollment of Pearly Hargrove as a Cherokee Freedman.

O R D E R .

It is ordered that copies of the testimony taken at Park Hill, Indian Territory, December 28, 1901, and of the decision rendered by this Commission on April 29, 1904, and approved by the Secretary of the Interior on May 31, 1904, in the application of Frank Hargrove, et al, for enrollment as Cherokee Freedmen, Cherokee Freedman D-514, (R-168), be filed with, and made a part of the record in the application of Pearly Hargrove for enrollment as a Cherokee Freedman, Case No.R-87.

_____
Commissioner.

Dated at
Muskogee, Indian Territory,

_____

Cherokee Freedman R-87,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pearlie Musgrove as a Cherokee Freedman.

O R D E R .

From an examination of the records of this Commission it appears that the Pearlie Musgrove for whom application for enrollment as a Cherokee Freedman was made on May 17, 1902, at Vinita, Indian Territory, by her sister, Rose Moore, and who was duly listed for enrollment as a Cherokee freedman on Cherokee Freedman card No. R-87, is identical with the Pearl Musgrove for whom, among others, application for enrollment as a Cherokee Freedman was made to this Commission on June 27, 1902, at Nowata, Indian Territory, by her brother, Frank Musgrove, and who was duly listed for enrollment as a Cherokee Freedman on Cherokee Freedmen card No. R-914.

On April 20, 1904, this Commission denied the right to enrollment of applicants included in last above mentioned application, said decision being approved by the Department on May 27, 1904, and on June 11, 1904, said applicants were transferred to Cherokee Freedmen card No. R-366.

It is, therefore, ordered that the first above mentioned application, together with Cherokee Freedmen card No. R-87, be, and the same is, hereby cancelled.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner

Commissioner.

Muskogee, Indian Territory,

C712369

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Musgrove et al., as Cherokee Freedmen.

MOTION FOR REHEARING.

The record in this case shows that application was made to the Commission to the Five Civilized Tribes for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove as Cherokee Freedmen and that on April 20, 1904 the Commission to the Five Civilized Tribes rendered its decision denying the applications for enrollment herein and that on May 27, 1904, the Honorable Secretary of the Interior affirmed the Commission's decision, and now the applicants urge the Department to grant them a rehearing in order that they may introduce the testimony they have to prove that their father, Jack Musgrove, was the slave of a Cherokee citizen at the commencement of the War of the Rebellion and that on February 11, 1867 he was residing in good faith in the Cherokee Nation and had prior to that time returned to the Cherokee Nation and established his residence therein in good faith and that he continued to reside in the Cherokee Nation until his death.

The applicants expect to prove these facts by Joe Davis of Vinita, I. T., Daniel Sanders of Centralia, I. T., Houston Rogers of Catoosa, I. T., Rab Rogers of Claremore, I. T., Grace Greenleaf of ~~Tahlequah~~ Nelson, I. T., [redacted]

There is herewith filed affidavits in support of this Motion for a rehearing which they deem sufficient to show their good faith and which affidavits are filed as a basis for this Motion for a rehearing. Applicants expect to prove at the rehearing of this case to have present to give their personal testimony a sufficient number of witnesses to establish beyond a question the right of these applicants to be enrolled as Cherokee Freedmen.

Starr & Patten

ATTORNEYS FOR APPLICANTS.

UNITED STATES OF AMERICA,
[illegible] } ss.
[illegible] }

J. C. STARR, of lawful age, being first duly sworn, on his oath deposes and says that he is one of the Attorneys for the applicants in the above entitled case and that this Motion is made not for the purposes of delay, but in good faith in order that justice may be done.

J. C. Starr

Subscribed and sworn to before me this 23rd day of June, A.D., 1906.

Jesse Patton

NOTARY PUBLIC.

My commission expires December 16, 1909.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
JUL 26 1906

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of FRANK MUSGROVE, ET AL., as Cherokee freedmen.

Reply of the Cherokee Nation.

The record in this case shows that application was made by Frank Musgrove for the enrollment of himself and minor brothers and sisters on the 27th day of June, 1901, and that he introduced testimony in his behalf, and that subsequent to that time, and namely, upon the 26th day of September, 1901, at Fort Gibson, Indian Territory, Maywood Rowe was introduced as a witness on behalf of the Cherokee Nation. The record further shows that on April 20, 1904, the Commission to the Five Civilized Tribes rendered a decision rejecting all of the applicants herein upon the ground that Jack Musgrove through whom the applicants claim citizenship in the Cherokee Nation did not return within the time prescribed by the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire , Trustee, etc., versus the Cherokee Nation. The record further shows that on May 27, 1904, the opinion of the Commission to the Five Civilized Tribes rejecting the applicants was affirmed by the Secretary of the Interior.

Attorneys for applicants allege in their motion for a rehearing that they desire the motion granted in order to show that Jack Musgrove, the father of the principal applicant herein, was a slave of a Cherokee citizen prior to the war and that he returned to the Cherokee Nation within the time prescribed by the treaty after the war and established a residence therein in good faith, and said attorneys claim that they expect to prove these facts by certain witnesses whose names are mentioned in the motion for a rehearing, and further say in said motion:

"There is herewith filed affidavits in support of this motion for a rehearing which they deem sufficient to show their good faith and which affidavits are filed as a basis of this motion for a rehearing."

Now the truth is the copy of no affidavits are attached to this motion for a rehearing filed with the representative of the Cherokee

Cherokee Nation and an examination of the original on file with the Commissioner to the Five Civilized Tribes on this the 16th day of July, 1906, discloses that no affidavits are filed there.

In the Celia Kirkpatrick case the Department held on January 19, 1905 (I.T.D. 7744-7814-1904), as follows:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

This was the ruling of the Department upon a motion made by the attorneys for the Cherokee Nation for a new trial upon alleged newly discovered evidence in the case of Celia Kirkpatrick, and we think the Department very properly held that a motion should be supported by affidavits of the witnesses whose testimony they desire to introduce and the courts uniformily hold this for the reasons, among others; first, the court desires to know whether the testimony is cumulative; second, the court desires to know whether it is material; third, the court desires to know whether it is admissible; and fourth, the court desires to know whether the testimony is likely to change the result and if the party is in good faith who makes the motion and if his witnesses are reputable and if they are going to speak the truth he need not fear a detailed statement on behalf of the witnesses what they are going to testify to when called upon the stand.

By an examination of the testimony heretofore introduced in this case it will be seen that this case is clearly without merit. The record shows that Frank Musgrove gave his age as 24 and his postoffice as Talala, Indian Territory, and by an examination of the map it will be seen that Talala is near the Verdigris River and not far from the Big Creek country in Cooweescoowee District, occupied by freedmen almost exclusively. He testified that he was born in Kansas, and from his age he was born about the year 1877. His next younger sister was 17, which would made her been born in 1884 and the others since that date. The record further shows that Hammer Brown gave his age as 55 and his postoffice as Lenapah, which is a few miles north of Talala, and he was a witness for applicant. He had never seen Jack Musgrove until about 20 years ago, and that was on Hickory Creek, which the map shows is near Lenapah.

Frank Daniels, the next witness for the applicant, gave his postoffice as Talala and his age as 40. He knew Jack Musgrove, but he never got acquainted with him until 1887. The next witness for applicants was Rab Rogers, whose postoffice was Lenapah. He belonged to the same Cherokee that Jack Musgrove belonged to, and he claims to have seen him the first time in the Cherokee Nation about 1867 in the spring, but you will note that he says that it was about two years before he (Haywood Rowe) went up to Kansas after him, but Rab Rogers says that Frank Musgrove was born when he went up there after his father, Jack Musgrove.

Now, Haywood Rowe testifies that his wife is a cousin of the applicants; that he himself is upon the 1880 roll, had continuously resided in the Cherokee Nation during and since the war; that he had never seen Jack Musgrove until about the time he went up to bring him down and that Jack was living in Council Grove, Kansas, and that he went up the year before Mr. Lipe made a payment, which is shown in the record to have been in 1880; therefore, Haywood Rowe went up to move Jack Musgrove down in 1879, and he says that from conversation with members of the family he knows that Jack had never been here since the war. Now, Frank testifies that he was born in 1877, and he testifies that he was born in Kansas. This corroborates Haywood Rowe. Rab Rogers, the half brother of Jack Musgrove, testifies that the boy, Frank Musgrove, was born in Kansas, and that he was a little fellow when he was brought to the Cherokee Nation. This corroborates Haywood Rowe. Hammer Brown, applicant's witness, did not see Jack Musgrove until about 20 years ago. This corroborates Haywood Rowe. Frank Daniels, the applicant's other witness, did not see him until in the eighties; this corroborates Haywood Rowe. Therefore, we submit that the testimony was convincingly and conclusively shows that Jack Musgrove through whom the applicants claim did not come to the Cherokee Nation until about the year 1879 as to not admit of argument.

Section 1 of the Act of Congress approved April 26, 1906 (Public 129), provides:

"The roll of Cherokee freedmen shall include only such persons of African descent either free colored or the slave of Cherokee citizens and their descendants who were actual, personal bonafide residents of

August eleventh, eighteen hundred and sixty-six, or who actually returned and established such residence in the Cherokee Nation on or before February eleventh, eighteen hundred and sixty-seven;****

Now, from the testimony heretofore introduced it is quite clear that Jack Musgrove, through whom the applicants claim, did not return to and establish a residence in the Cherokee Nation until 1879, and therefore we submit that for the reasons hereinabove stated, the motion for a rehearing in this case should be denied.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedman - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Frank Musgrove,
Talala, I. T.
Cherokee F-D-914
Registr.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. D-104.

Cherokee Freedmen
D-914.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Enc. D-108.

Chairman.

COPY.

Cherokee Freedmen
D-Fd.

Muskogee, Indian Territory, May 3, 1904.

Frank Musgrove,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, your sisters, Clara, Sidney and Pearl Musgrove, and your brother, Turner Musgrove, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Register

Chairman.

Enc. D-102.

Refer in reply
to the following:
Land
30868-1904

[illegible]

[illegible]

[illegible]

WASHINGTON, May 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated May 9, 1904, transmitting the record of the application of Frank Musgrove for the enrollment of himself, his minor sisters Clara, Sidney and Pearl Musgrove, and his minor brother Turner Musgrove, as Cherokee Freedmen.

April 20, 1904, the Commission found that none of them are entitled to enrollment as Cherokee freedmen.

The evidence shows that the applicants were all born subsequent to February 11, 1867, and are the children of Jack Musgrove, deceased. That Jack Musgrove was the slave of a Cherokee citizen and was taken out of the Cherokee Nation during the war of the rebellion and did not return until sometime subsequent to February 11, 1867. The mother of the claimants was not a citizen of the Cherokee Nation. The names of none of the applicants nor either of their parents are found on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

MCK

W C B
J.P.
F H E

D.C.12181-1904
I.T.D. 4204-1904
L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON. May 29, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 21, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,
Acting Secretary.

1 inclosure.

Cherokee Freedman
D 914

Muskogee, Indian Territory, June 7, 1904.

Frank Musgrove,

Tahlah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself, your three minor sisters, Clara, Sidney and Pearl Musgrove, and your minor brother, Turner Musgrove, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 914

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 29, 1904, rejecting the application for the enrollment of Frank, Clara, Sidney, Pearl and Turner Hungrove as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

COPY

Cherokee Freedman
R-57

Muskogee, Indian Territory, October 1, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Tahlequah, Indian Territory.

Gentlemen:

There is herewith inclosed an order of the Commission making the testimony taken at Fort Gibson, Indian Territory on September 28, 1901, and the decision rendered by this Commission on April 28, 1904, and approved by the Secretary of the Interior on May 27, 1904, in the matter of the application of Frank Musgrove, et al., as Cherokee freedmen, Cherokee freedman R-914 (R-369) a part of the record in the matter of the application for the enrollment of Pearley Musgrove as a Cherokee freedman. There is also inclosed a copy of the testimony, together with a copy of the Commission's decision referred to.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Enc. K-7.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 24, 1906.

Frank Hargrove,
Eufaula, Indian Territory.

Dear Sir:-

You are hereby advised that the notice filed by your attorneys September 7, 1905, for a review in your Cherokee freedmen enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Wm. O. Beall
Acting Commissioner.

JGB

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulgerp

Attorneys for Elisa A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Elisa A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

IMC
Incl. C-2

Cherokee Freedmen
R 368

Muskogee, Indian Territory, August 30, 1906

Starr and Patten,
Attorneys for Frank Musgrove et al,
Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on June 23, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Frank Musgrove et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner.

D.S.48322-1906. (Copy)

November 5th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

In June 1906 we filed a motion for rehearing in the Cherokee Freedmen Enrollment cases of Frank Musgrove et al and at that time we were advised that the applicants could prove by reliable witnesses the allegations they had us make in the motion for rehearing.

The applicants advised us that they could prove by Joe Davis of Vinita Daniel Sanders of Centralia; Houston Rogers of Catoosa; Rab Rogers of Claremore and Grace Greenleaf of Melvin the things set up in their motion but since filing this motion we have had personal interviews with the persons named and they not only say that they did not see Jack Musgrove in the Cherokee Nation in 1868 but they positively tell us that they knew he did not return within the time fixed by the decree of the Court of Claims of February 3rd 1896 and in view of these statements made to us by the persons suggested to us as witnesses we therefore ask that our motion be dismissed.

At the time of filing the motion we did not have time to go and see the witnesses suggested to us and had to file the

motion in order to get it filed within the time allowed by law and then go and see the witnesses for their affidavits after words and therefore learned after filing the motion that the same can not be sustained.

Respectfully,

Starr & Patten.

JCS.

Muskogee, Indian Territory, November 10, 1906

The Honorable,

The Secretary of the Interior.

Sir:

May 27, 1904 (I.T.D. 4204-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application of Frank Musgrove for the enrollment of himself and sisters and brother as Cherokee freedmen. June 26, 1906, there was filed with this office by Starr & Patton, Vinita, Indian Territory, attorneys for applicants, a motion for a rehearing in this case. Said motion is enclosed as is also the reply of the attorney for the Cherokee Nation to said motion, filed July 26, 1906.

In their letter of November 5, 1906, a copy of which letter is enclosed herewith, attorneys for applicants advise that after interviewing the witnesses when they stated in their motion they desired to introduce on behalf of applicants, in the case, they find that said

Secretary-2

Witnesses state positively that Jack Musgrove, the ancestor through whom these applicants claim the right to enrollment, did not return to the Cherokee Nation within the time limited by the Treaty of July 19, 1866. They therefore request that their motion for a rehearing in this case be dismissed.

In view of the record in the case, and the statements of attorneys for applicants, it is respectfully recommended that their request be granted, and that their motion for a rehearing in the case of Frank Musgrove et al., be dismissed.

Respectfully,

Through the
Commissioner of Indian Affairs.

L M B

Commissioner

(COPY) --Copy--

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:

35483-1904.
99837-1906.

November 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir: Referring to Departmental letter of May 27, 1904 (I.T.D. 4294-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Frank Musgrove, et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 10, 1906, enclosing a motion for a rehearing in this case, filed with the Commissioner on June 28, 1906. There is also enclosed a reply of the attorney for the Cherokee Nation.

The Commissioner says that on November 5, 1906, the attorneys for the applicants in this case advised him that after interviewing the witnesses whom they stated in their motion they desired to introduce on behalf of the applicants, they find that the witnesses state positively that Jack Musgrove, the ancestor through whom these applicants claim the right to enrollment, did not return to the Cherokee Nation within the time limited by the Treaty of July 19, 1866, and they therefore request that their motion for a rehearing in this case be dismissed.

The record in the case is transmitted herewith.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

[illegible]

D.C.24126. (COPY) T.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FEB.

I.T.D.24140-1906. December 8, 1906.

L.R.M.

Commissioner to the five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of November 6, 1906, transmitted with Indian Office letter of November 26, 1906 (land 99857), submitting a motion for rehearing in the Cherokee freedman case of Frank Musgrove, et al, and recommending that the same be dismissed.

In accordance with the request of the attorneys who filed the motion, it is denied.

The papers have been returned to the Indian Office. A copy of the Indian Office letter is inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 7 to Ind. Off.

Cherokee R.
R 578.

Muskogee, Indian Territory, December 19, 1906.

Frank Musgrove,

Talala, Indian Territory.

Dear Sir:

We are hereby advised that a motion for a rehearing of the Cherokee freedmen case of yourself and others, was denied by the Secretary of the Interior, December 8, 1906.

Respectfully,

JJH

Commissioner.

Cherokee F.
R 206.

Muskogee, Indian Territory, December 19, 1906.

Blue & Bulger,

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that a notice for a rehearing in the Cherokee freedman enrollment case of Frank Musgrove, et al., was denied by the Secretary of the Interior December 3, 1906.

For your information, a copy of Departmental decision referred to is enclosed herewith.

Respectfully,

Commissioner.

Encl.R-F
JEM

Cherokee F.
E 368.

Muskogee, Indian territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Frank Musgrove, et al., was denied by the Secretary of the Interior, December 8, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.E-8
JMK

Commissioner.

Cherokee F.
R 209.

Muskogee, Indian Territory, December 20, 1906

Starr & Patton,

Attorneys for Frank Musgrove, et al.,

Vinita, Indian Territory.

Gentlemen:

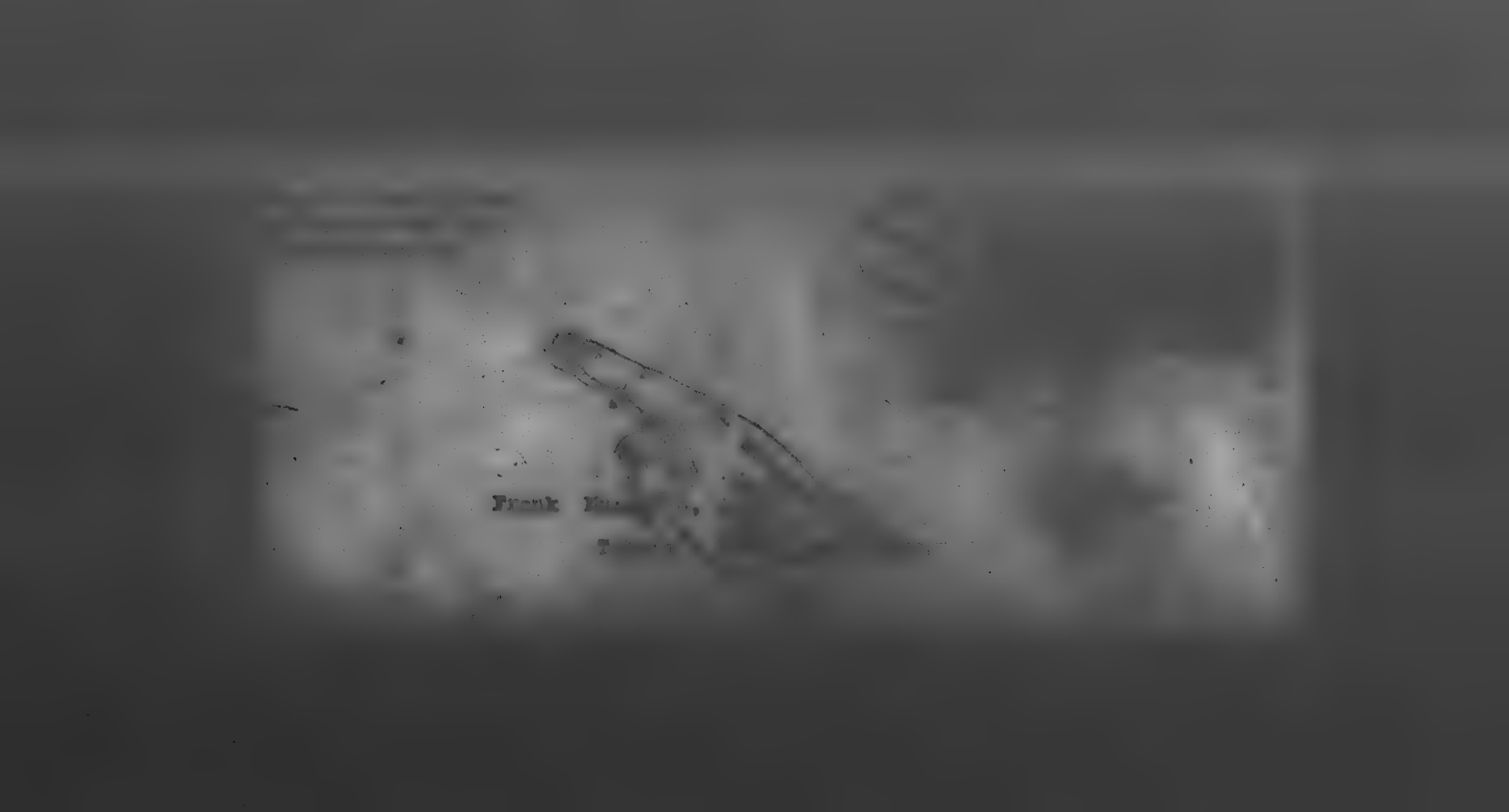
You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Frank Musgrove, et al., was denied by the Secretary of the Interior, December 8, 1906.

For your information, a copy of Departmental decision referred to is enclosed herewith.

Respectfully,

Commissioner.

Encl.H-7
JMH



Cher Fr [illegible]

see Cher Fr 212-1187

Cher Fr [illegible]

IN-FD-19

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 8 1904

ACTING CHAIRMAN

DOCKETED, ed to [illegible], Sallie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T. April 8, 1901.

In the matter of the application of Lewis Crossland for the enrollment of himself, wife and eight children as Cherokee Freedmen; being sworn and examined by Commissioner Needles he testified as follows;

Q What is your name? A Lewis Crossland.
Q How old are you Mr. Crossland? A 38
Q What is your post office address? Braggs.
Q What district do you live in? A Illinois.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir
Q Did you ever apply to be enrolled in any other Tribe? A No sir
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A (Hands Commission a paper)
Q Wife and eight children? A Yes sir.
Q Your wife's name Sallie? A Yes sir.
Q How old is Sallie? A 39.
Q Is your wife a Cherokee Freedman? A Yes sir, said to be
Q Has she ever been recognized as a Cherokee Freedman? A She has been on the Clifton Roll.
Q What is your father's name? A George Crossland.
Q Is he living? A Yes sir.
Q Your mother's name? A Gracie Crossland.
Q Is she living? A Yes sir
Q What is your wife's mother's name? A Martha Battice.
Q What is your oldest child's name? A John.
Q How old is John? A 15 years old.
Q Is this the first child? A Eddie Vann, that's my wife's.
Q How old is Eddie Vann? A 17.
Q What is the next one, Myrtle? Vann? A Yes sir,
Q 15? A Yes sir.
Q Next one is John Crossland is it? A Yes sir
Q John Crossland, 15 years old, what is the next one? A Oma Vann
Q How old is Oma Vann 13? A Yes sir.
Q What is the next one? A Johnnie Vann? A
Q Ten years old? A Yes sir
Q Next one Willie Crossland? A Yes sir.
Q 7 years old? A Yes sir
Q Next one Martha Crossland, five years old, that right?
A Yes sir
Q Next child George? A Yes sir.
Q Two years old, that right? A Yes sir

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows;
page 517 #432 Lewis Crossland, Illinois District, adopted colored;
1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's wife, Sallie, and name not identified thereon.

Examined by Cherokee Rep've W.W.Hastings,

Q Is your wife on the authenticated roll of 1880, or do you know?
A Not as I know of.

1896 census roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows;
page 244 #105 Lewis Crossland, Illinois District;

Lewis Crossland et al 98

1896 census roll of citizens of the Cherokee Nation examined for applicant's wife, and name not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined for applicant's children, and identified as follows:
page 966 #643 Eddie Vann, Illinois District;
page 966 #644 Myrtle Vann, Illinois District;
page 966 #646 Onnie Vann, Illinois District;

Q Name Onnie or Oma? A Oma.

page 966 #646 Sonie Vann, Illinois District;

Q Who is Sonie Vann? A That's Johnnie Vann, I call him Sonnie.

page 944 #108 Johnny Crossland, Illinois District;
page 944 #106 Willie Crossland, Illinois District;
page 944 #107 Martha Crossland, Illinois District.

Q How long have you lived in the Cherokee Nation? A Always
Q Were you born in the Cherokee Nation? A Yes sir.
Q Never lived out of it? A No sir.
Q Now about your wife, you say she is not on the authenticated roll of 1880? A No sir.
Q By what right does she claim citizenship? A Because her mother was--- they just didn't get her on the roll.
Q Where was your wife born? A I guess she was born in the Cherokee Nation, I couldn't tell you where.
Q Has she always lived in the Cherokee Nation? A Always lived in the Cherokee Nation.
Q What did you say her mother's name was? A Martha Battice.
Q What was her name when you married her? A Vann.
Q What was her husband's name? A John Ay Vann I believe.
Q Is he living? A No sir, he is dead.
Q You were married to Sallie Vann? A Yes sir.
Q Have you got any certificate of your marriage? A Yes sir.
Q Where? A At home.
Q Who married you? A A preacher by the name of-- I forget his name.
Q Is he living? A Yes sir, I think he is living.
Q Are these children that you have mentioned here all alive?
A Yes sir.
Q All living with you? A Yes sir, all living with me.
Q Who was the father of the Vann children? A Johnnie Vann.
Q How long has he been dead? A He has been dead ever since the Wallace Payment.

Examined by Cherokee Representative, W.W.Hastings:

Q Who was John Vann's father? A I don't know sir.

Examined by Com'r Needles:

Q Was he called Buster A Yes sir, that was his nickname.

1880 authenticated roll of citizens of the Cherokee Nation examined for John Vann and identified as follows:
page 52 #1445 John or Buster Vann, Canadian Dist, adopted sol'd
Q He was your wife's first husband? A Yes sir.
Q Was he ever married to Sallie do you know? A I don't know sir
Q Anybody here know him when he was living with ~~xxxx~~ Sallie your wife? A Yes sir, there is Mr. Fields right there, he knows him.

MIKE FIELDS, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Mike Fields.
Q How old are you? A 66 years old.
Q What is your post-office address? A Braggs.
Q Do you know Sallie Crossland This man's wife A Yes sir
Q Did you know Buster Vann? A Yes sir.
Q Do you know whether Buster Vann and Sallie Crossland were ever married or not? A I don't know personally, but I heard they were.
Q Did they live together as man and wife to your knowledge and raise a family? A Yes sir.
Q Were they duly acknowledged in the community as man and wife? A Yes sir.
Q How long did you ~~know~~ them? A I knowed them about 15 years before he died.
Q He was living with Sallie as his wife during that time? A Yes sir
Q Do you know whether Sallie was a citizen or not? A I couldn't say whether she was or not, I ~~don't~~ couldn't testify.
Q Do you know her father? A No sir.
Q Her mother? A I knowed her's mother.
Q Was her mother a slave? A Yes sir.
Q Who was her mother's owner? A Man by the name of Annie Brown.
Q Was he a Cherokee? A Yes sir.
Q Did you know Sallie during the war? A No sir, I never saw her until after peace.
Q You know her mother? A Sallie's mother, I knew her, she come since you know.
Q Come after the War? A I don't know whether it was after the War or time of the War, she was taken south and I went north.
Q She was taken south A Her mother was.
Q And you don't know when her mother came back? A No sir.
Q It was sometime after the War then that you saw her mother again A Yes sir
Q When she came back you don't know? A No sir

Examined by Cherokee Representative, W.W.Hastings:

Q Did John Vann live with this woman until his death A Yes sir.
Q This man then didn't marry her until after John or Buster Vann's death? A After wards, yes sir; he died at the payment that had thereat Braggs; he took sick there and died.

APPLICANT RE-CALLED, and further examined by Commissioner Needles, testified:

Q Your wife has never been recognized as a citizen has she? A By her--they never put her on.
Q She has never been recognized by the Cherokee authorities? A The Cherokee authorities has never ~~been~~ put her on; but she got on the roll, this last roll, the last payment
Q Did she get her Strip money? A Yes sir, this last payment she had she got that.

Kerns-Clifton Pay Roll, page 69 #1730 Sally Crossland, nee Vann, Illinois District.

Q That was the first roll she was ever on? A Yes sir. To my knowledge.

Lewis Crossland et alia.

Q. You stated that these Vann children and Crossland children are all alive and living with you at this time? A. Yes sir.
Q. And you have never lived outside the Cherokee Nation yourself?
A. No sir.

Com'r Needles. The name of Lewis Crossland is found upon the authenticated roll of 1880 as well as the census roll of 1896; he applies for the enrollment of his wife, Sallie, and his stepchildren, Eddie Vann, Myrtle Vann, Ona Vann and John Vann, and their names are found upon the census roll of 1896; and he avers that they are the children of John Vann and alias Buster Vann, and the name of John Vann is found upon the authenticated roll of 1880 as indicated in the testimony; satisfactory proof is made as to the marriage of John Vann with his wife, Sallie Battice, now the wife of Lewis Crossland; he applies for the enrollment of his own children by Sallie, his wife, namely, John Crossland, Willie Crossland, Martha Crossland and George Crossland, and the names of said children are found upon the census roll of 1896, and the name of Lewis Crossland is found upon the authenticated roll of 1880 as well as the census roll of 1896; the name of his wife Sallie is found upon the Clifton-Kerns Payment roll, but no satisfactory proof is made as to her citizenship, consequently final judgment as to the enrollment of Sallie Crossland will be suspended, and her name will be placed upon a doubtful card; said Lewis Crossland and the children enumerated herein will be listed for enrollment as Cherokee Freedmen, they having made satisfactory proof as to residence, and being duly identified according to page and number of the rolls as indicated in the testimony; when he presents satisfactory proof of the birth of his younger child, George, he also will be listed for enrollment as a Cherokee Freedman.

----oooo----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 8, 1901.

Commissioner.

CHEROKEE ENROLLMENT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 8 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 8- 1901

Post Office

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Sally Crosland Age 39

Owners name Citizenship

Year R.C Page 69 No. 1730 District Illinois

Parents:

Father John Vann Citizenship

Mother Martha Butler Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Levin Crosland Stenographer Green M.D.

6

FD 19

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 2[illegible] 1901

ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BARRICKRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft Gibson Sept 24, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Sallie Crosshard for enrollment as Freedman of the Cherokee Nation.

Louis T Brown
Agt for applicant

No. FD. 19

[illegible] Cherokee Freedmen.

[illegible] the Interior,
[illegible] Dawes Commission,
[illegible] Tahlequah, I.T., [illegible] 1901.

[illegible] daughter of Willie Crosswhite for the [illegible] Freedmen.

[illegible] EXAMINED BY APPLICANT.

Appearances: [illegible] for the applicant; [illegible] Attorney for the Cherokee Nation.

[illegible] Willie Crosswhite, being duly sworn by Commissioner [illegible] testified as follows:

[illegible] BY MR. [illegible]

Q. State your name? A. Willie Crosswhite.
Q. What is your post-office address? A. [illegible].
Q. How old are you, in what year were you born? A. I'm [illegible] but they tell me I was at the closing [illegible] I was born at the closing of the war.
Q. Where were you born? A. In Canadian District.
Q. How long have you lived there since? A. In Illinois District and Canadian District.
Q. Lived in the Cherokee Nation all your life? A. Yes sir, as far as I know.

[illegible] BY MR. [illegible]

Q. What is your husband's name? A. Lewis Crosswhite.
Q. What was your maiden name? A. Martha Battice.
Q. What was your father's name? A. Willis Battice.
Q. Your father and mother were in the Cherokee Nation before the war? A. I don't know when they were, my mother died when I was [illegible] before the war.
Q. [illegible] connection with [illegible] in the Cherokee Nation, she was raised in the Cherokee Nation.
Q. [illegible] your husband born in the Cherokee Nation? A. [illegible] Cherokee [illegible]

SUPPLEMENTAL D-LV, Cherokee Freedmen.

[illegible] of the Interior,
Commission [illegible] Five Civilized Tribes,
Fort [illegible] I.T., Sept. 4, 1901.

In the matter of the application of Sallie Crossland for enrollment as a Cherokee freedman.

TESTIMONY OF BEHALF OF THE APPLICANT.

Appearances: Lewis Brown, as attorney for the applicant;
W. W. Hastings, as attorney for the Cherokee Nation.

SALLIE CROSSLAND, being sworn by Commissioner Needles, testifies as follows:

BY MR. BROWN:

Q State your name? A Sallie Crossland.
Q What is your post-office address? A Braggs.
Q How old are you, in what year were you born? A I don't know that year, but they tell me it was at the closing of the war. I was born at the closing of the war.
Q Where were you born? A In Canadian District.
Q Where have you lived ever since? A In Illinois District, and Canadian District.
Q Lived in the Cherokee Nation all your life? A Yes sir, all I know.

BY MR. HASTINGS:

Q What is your husband's name? A Louis Crossland.
Q What was your mother's name? A Martha Rattice.
Q What was your father's name? A Rollin Rattice.
Q Your father and mother were in the Choctaw Nation before the war? A I don't know where they were, my mother always told me she belonged to Brown.
Q In the Choctaw Nation? A In the Cherokee Nation, she was raised in the Cherokee Nation.
Q Your mother never told you about being in the Choctaw Nation? A Yes sir, but she didn't claim to be a Choctaw citizen; she claimed she was a Cherokee citizen.
Q Your mother claimed she lived in the Choctaw Nation before the war? A She lived there, but she lived with Cherokees she said, and after pe ace was made she came back here.
Q Before the war your mother lived in the Choctaw Nation? A I couldn't swear to that.
Q That's what your mother said? A Yes, she said she was living there before the war, but she was living with Cherokees.
Q What you state here is just from family information of course? A Yes sir.
Q Do you know your exact age? A No sir.

BY MR. BROWN:

Q You know when they told you you were born? A They told me I was born at the closing of the war.

BY COM'R NEEDLES: Case continued until October 10th, at Vinita, Indian Territory.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this September 6th, 1901.

C. A. Walker

Commissioner.

Q What is the information you had? A Yes sir.
Q What year is that? A I don't know, I didn't keep no dates, Mr. Hastings.
Q What year was it that the Korns Clifton made the payment? A I never kept no count.
Q What year did the Wallace commission make the payment? A I never kept no count of that.
Q You don't know anything about the years? A No.
Q Don't know one year from another? A I know when I pay attention.
Q How many years has it been since the last payment? A I never kept no date of that.
Q How many times since the Wallace payment was made? A I don't know. I am going as far as I know, as nearness, and further I tell the truth and that I do tell is the truth and I won't tell no more.
Q That you just identified was the last effort made, was it? A Yes sir.
Q You don't know what year that was? A I didn't pay no attention.
Q Don't know anything about the years? A No I don't keep no account of the dates, I don't suppose anybodies could that didn't keep the dates.

MR. CROW:

Q Do you remember when peace was made? A Of course I remember when peace was made; I have been [illegible] the war was closed of course, but I don't know [illegible] I don't keep no account of the dates, the time [illegible] when the war stopped.
Q You have already stated that [illegible] in the next year that you saw the mother of Sallie Brassland at Fort Gibson? A Yes sir, it was the year after peace was made that I saw her at Fort Gibson.

MR. HASTINGS:

Q Was Sallie with her? A No sir, Sallie was not with her.
Q How did you first see Sallie after the war, how many years after? A Well sir, I didn't pay no attention.
Q When did you first see her after the war? A When I first seen Sallie?
Q Yes. A I couldn't tell you.
Q Was it as much as 20 years after the war? A No, it was not that long, I don't suppose, I couldn't tell you unless I kept date of the time.
Q You got no idea at all? A No sir, I haven't no.

I, J. P. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. P. Green

R

C. F. 219.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1908.

SUPPLEMENTAL TESTIMONY ON BEHALF OF THE APPLICANT in the matter of the application of Sallie Cressland for the enrollment of herself as a Cherokee Freedman.

Appearances:
Lewis E. Brown, agent for the applicant, Vinita, I.T.
W.W.Hastings, attorney for the Cherokee Nation.

GEORGE CRESSLAND, being first duly sworn and being examined testified as follows:

BY MR. BROWN:

Q State your name? A George Cressland.
Q What is your age? A I don't know, near about 70 I guess.
Q Are you a recognized Cherokee Freedman? A Always has been sir.
Q Is your name on the 1880 roll? A It is on every roll that's been made I suppose.
Q Do you know Sallie Cressland? A Yes sir.
Q What relation is she to you? A She isn't any relation to me, as I know of, only by marriage.
Q She married your son? A She married my son.
Q Did you know her mother during her lifetime? A Yes sir.
Q Did you know her before the war? A I knew her before the war.
Q When did you see her for the first time after the close of the war? A I saw her the year after peace was declared at Fort Gibson.
Q Did she continue to live in the Cherokee Nation till her death? A She did. That is, I can't say about her death, but she was living in the Cherokee Nation then; I couldn't say about her death.

BY MR. HASTINGS:

Q How old is Sallie Cressland? A I don't know sir, how old she is.
Q You know about how old she is? A No sir.
Q How old was she when the war came up? A Sallie Cressland?
Q Yes sir? A I don't know sir.
Q She was a slave was she? A I suppose so, I don't know, I didn't know Sallie then, I knowed her mother.
Q When did you know her mother; did you know her before the war? A I knowed her before the war.
Q Did you know her when she lived in the Choctaw Nation? A No sir, she didn't say she lived in the Choctaw Nation; she lived with a man named Brown.
Q Wasn't she living in the Choctaw Nation when the war came up? A I don't know w here she was living then, Mr. Hastings.
Q About how many years was it after the war that you saw the mother of Sallie Cressland? A I couldn't tell you how many years it was after the war; I wouldn't tell you unless I knowed for certain.
Q Was it as much as 20 years? A I couldn't tell you, I didn't keep no date of the time.
Q You don't know whether it was 20 years or one year? A No sir, I don't know.
Q You don't know anything about years anyway, do you? A I know about years, but I don't keep no particular date of anything like that.
Q You knew of her living in the Choctaw Nation before the war? A She didn't say she was living in the Choctaw Nation then; she said she was living with a man named Richard Brown, a half-breed Cherokee; he had a Choctaw family.
Q And you know that Richard Brown lived in the Choctaw Nation? A I never was at his house; I heard he was living in Pleasant Bluff, of course that was in the Choctaw Nation.
Q That was before the war? A Yes sir, I believe it was.
Q You know that Richard Brown had a Choctaw family? A I heard that he did, I didn't know.

Q That is the information you had? A Yes sir.
Q What year is this? A I don't know, I don't keep no dates, Mr. Hastings.
Q What year was it that the Kerns Clifton made the payment? A I never kept no count.
Q What year did the Wallace commission make the payment? A I never kept no count of that.
Q You don't know anything about the years? A No.
Q Don't know one year from another? A I know when I pay attention.
Q How many years has it been since the last payment? A I never kept no date of that.
Q How many years since the Wallace payment was made? A I don't know. I am going so far as I know Mr. Hastings, and no further, I tell the truth and what I do tell is the truth and I wont tell no more.
Q What you just testified was the year after peace was it? A Yes sir.
Q You don't know what year that was? A I didn't pay no attention.
Q Don't know anything about the years? A No I don't keep no account of the date, I don't suppose anyonesise would that didn't keep the date.

BY MR. BROWN:

Q Do you remember when peace was made? A Of course I remember when peace was made; I know peace was made when the war was closed of course, but I don't know what year it was in, I don't keep no account of the dateof the time, but I know when the war stopped.
Q You have already stated that it was in the next year that you saw the mother of Sallie Crossland at Fort Gibson? A Yes sir, it was the year after peace was made that I saw her at Fort Gibson.

BY MR. HASTINGS:

Q Was Sallie with her? A No sir, Sallie was not with her.
Q When did you first see Sallie after the war, how many years? Twenty years? A No sir, I didn't pay no attention.
Q When did you first see her after the war A When I first seen Sallie?
Q Yes. A I couldn't tell you.
Q Well as much as 20 years after the war? A No, it was not that long, I don't suppose; I couldn't tell you unless I kept date of the time.
Q You got no idea at all? A No sir, I haven't.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony andproceedings in this case and that the foregoingis a true and complete transcript of my stenographic notes thereof.

M D Green

P. D. 19

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 190__

Given under my hand this _____ day of _____ A. D. 190__

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day of _____, 190__

_____
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Sallie Crossland on the 7th day of April A. D. 1902

Lee Rogers

Subscribed and sworn to before me this APR 9 1902

J. Starr
Notary Public.

FILED
APR 9 1902

NOTICE!

IN THE MATTER OF the application of Sally Crossland, Braggs, I.T. for enrollment as Cherokee Freedmen:

Case No. F. D 19

To Sally Crossland, or L. T. Brown, her agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 10, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 5, 1902.

L B Bell

W. W. Hastings

Jas. Davenport

Attorneys for the Cherokee Nation.

sisters or know whether she had any? A. Yes, sir, she had sisters.
Q. You remember any of their names, sisters? A. Hetty Hayes.
Q. Well, do you know any of her family now other than herself, have you been got acquainted with any of the children since the war?
A. Yes, sir.
Q. Well, what are their names? A. One is named Peggy.
Q. Peggy Hayes now? A. Yes, sir, one named Sallie, first married to Vann.
Q. Afterwards married you? A. Lewis Crosbaund.
Q. Well, do you know any of the others, do you know Emma Hayes?
A. Well, I see her, I don't know much, I see them once in a while.
Q. And they lived in the Cherokee Nation, Peggy Crosbaund and Emma Hayes when the war broke out? A. Yes, sir.
Q. And that time, sometime after the war, about ten years you think?
COMMISSION: You think you say that they are over on Illinois Bluff in the Cherokee Nation? A. Yes, sir.
Q. Well, do you know whether these children were living over there with their mother at that time, these children that you speak of?
A. Yes, sir.
Q. Do you know that they were living in the Choctaw Nation, do you? A. When the war broke out they weren't born there, then children.
Q. Well, Sallie was born there wasn't she? A. No, Peggy was born, Sallie wasn't born.
Q. Well, how do you know that Sallie Hayes was born in this-ten Kiches? A. Why I been down around there on the place.
Q. Did you stay at his place; about how long was she the slave of Crobbs, about how old he was, a young man or what? A. I couldn't tell you.
Q. Well, she formerly belonged to a Choctaw did she, Richard Brown?
A. Yes, sir.
Q. The first time you saw them in the Cherokee Nation was about ten years after the war? A. Yes, sir.
Q. Name some of the children they had before that? A. No, sir.
Q. You don't know anything about that? A. No, sir.

This testimony will be filed with and made part of the record in the following Cherokee freedmen cases: D-16, D-28, D-67, D-175 and D-126.

Jerome C. Cronin, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

To be filed with S. F. D. 22.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 10, 1908.

In the matter of the application of Sallie Greenland for the enrollment of herself as a Cherokee Freedman.

Applicant represented by L. F. Brown, Vinita, I. T.
Cherokee Nation represented by W. W. Davenport.

The Cherokee Nation by its representative makes satisfactory proof of service on L. F. Brown, agent for the applicant in this case, that it could on the 10th day of April, 1908, at the office of the Commission in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of Sallie Greenland to be enrolled as a Cherokee Freedman. The applicant and her agent have this day, to wit the 10th day of April, 1908, been called, and fail to respond either in person or by attorney.

JACOB GRAFO, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Jacob Grafo.
Q Where do you live, Jacob? A In Illinois District.
Q What is your post-office? A Vian.
Q How old are you? A Well, sir, I couldn't answer you exactly but I could say pretty closely.
Q Well, as near as you can get at it? A I think something about sixty years old I guess.
Q Where was you living before the war of the confederacy? A I lived over on this side of the river.
Q In the Cherokee Nation? A Yes, sir, I lived right down there at Webbers Falls.
Q Did you know a colored woman that went by the name of Martha Betiest? A Yes, sir, but she lived over in the Choctaw Nation.
Q When did you know her, Jacob, with reference to the breaking out of the war, before or after the war broke out? A I knowed her before the war, but I couldn't tell you just how long, but I knowed her before the war.
Q Well, now, to whom did she belong when you first knew her? A She belonged to Richard Brown, that was old man Brown's son, Richard.
Q That was in the Cherokee Nation at that time? A That was in the Choctaw Nation.
Q Well, do you know to whom she was belonging at the breaking out of the war? A Yes, sir.
Q To whom did she belong? A She belonged to Joe Krebbs.
Q Where was Joe Krebbs living? A He was living up in Canadian, in the Choctaw Nation.
Q Do you know what his citizenship was? A No, sir.
Q That is, whether he was a Cherokee or Choctaw Indian? A He was a Choctaw.
Q Well, have you known Joe Krebbs since the war? A Yes, sir.
Q Where did he live when you knew him after the war? A Well Joe Krebbs when I knowed him that was after the war I knowed him, then he was just over there about the bluff, around in there
Q Well, now do you know Peggy Mackey? A Yes, sir.
Q Do you know Beckey Drew, she goes by the name of Drew, now she was a sister or a relative of these parties? A Yes, sir.
Q Do you know Emma McAvee? A Yes, sir.
Q Well, where do they live now? A Right now?
Q Yes, sir. A Well, this Emma McAvee she lives in Sandtown.

Q On the Cherokee side? A Yes, sir, in Illinois District.
Q Where is Becky Drew, do you know? A She is living in Illinois District.
Q Well, you came back immediately after the war did you? A Never went out.
Q When did these people come into the Cherokee Nation with reference to the war? A Well, sir, now, now that was a thing that I didn't know was going to come up.
Q Well, about how long after the war was over before you saw them, you knew their mother before the war? A Well, I knew her a little bit I guess, it was a good while before I saw them come.
Q You know what Emma McAbee's mother's name was? A Maney.
Q That was her other name? A Well, that was all.
Q You didn't know whether she had any other name? A Well, she had a husband, well I don't know what it was, but they called him John, his name was John Hope, and they just--she was following him around, followed him around.
Q Well, was Martha Batiest or any of her family living in the Cherokee Nation when the war broke out? A No, sir, not as I know of, I don't think they were.
Q Well, you know her? A There was only one living in the Nation, that was Peggy.
Q Peggy Hayes? A Yes, sir.
Commission: When did you first learn to know this Sallie Crosslend: when did you first become acquainted with her? Sallie Crosslend, the applicant in this case. Well, when did you first learn to know the mother of this applicant? A Well, I knowed Batiest then?
Q Yes. A I don't exactly couldn't tell you.
Q Was it before the war? A I knowed them all the time.
Q Well, did you learn to know Martha Batiest before the war? A Knowed her mother.
Q Well, when did you learn to know her? A Her, Sallie Batiest?
Q No, Sallie's mother? A Sallie's mother, knowed her ever since before the war.
Q When did you learn to know Sallie; have you known her ever since she was born? A No, sir, I guess not.
Q Do you know where she was born? A No, sir, I don't.
Q Well, where was she living when you first learned to know her? A Sallie you talking about?
Q Yes, either Sallie or Martha either one. Where was Martha Batiest living when you first learned to know her, was she in the Cherokee Nation? A She was living in the Choctaw Nation.
Q Well, how long did she continue to live there before she came to the Cherokee Nation? A After peace, then she come.
Q How long afterwards? A Why I couldn't tell you.
Q Well, haven't you any idea how long it was? A No, sir, I could not exactly tell you.
Q Was it as much as a month after peace was made? A I couldn't tell you that neither.
Q You haven't any idea how long it was? A No, sir, that was something I never thought was going to come up.
Q You don't know in what year she came back? A No, sir, not at all.
Q Well, did Martha Batiest live in the Cherokee Nation before the outbreak of the war? A No, sir.
Q Did she ever live in the Cherokee Nation before the war? A I never knowed how to live before the war in the Cherokee Nation, when I knowed her she was in the Choctaw Nation.
Q Well, whodid she belong to when you first learned to know her before the war? A She was belonging to old Richard Brown.

Q Well, now, was he a Cherokee or a Choctaw? A Choctaw, part Choctaw and half Cherokee.
Q Well, did she belong to him until she was set free? A Yes, she, she was belonging--no, she was belonging to Krebbs when she was set free.
Q Well, what was Krebbs? A Joe Krebbs.
Q Was he a Cherokee? A Choctaw.
Q No Cherokee about him at all? A No, sir, I don't suppose he ever was.
Q Well, did he own this Martha after Richard Brown owned her as before? A He owned her before the war you know.
Q Well, who owned Martha when peace was made? A Nobody, she was set free then you know.
Q Well, I mean just before she was set free? A Joe Krebbs.
Q You don't know anything about this Sallie at all, Sallie Bartlett or Sallie Crossland; that's Martha's child? A Yes, sir, I did know her now. I just had forgot about her.
Q Do you know where she was born? A No, sir, I don't.
Q Do you know when she came to the Cherokee Nation? A Well, I expect she come with her mother.
Q Well, do you know whether she came with her mother? A No, sir, I don't know. They was all together all them folks was all together.
Q You don't know whether Sallie was with them? A No, sir, I don't know when she come in nor nothing.

ANDY CROSSLAND, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Andy Crossland.
Q Where do you live, Andy? A I live in Sallisaw, Illinois District.
Q What is your age, Andy? About how old are you? A About seventy-eight.
Q Where were you raised? A I was raised Sequoyah, Cherokee Nation.
Q Live there all your life? A Yes, sir.
Q Did you know Martha Bartlett before the war? A I used to know her, called her Martha Brown.
Q Called her Martha Brown? A Yes, sir.
Q Who did she belong to when you first knew her? A Ocie Brown.
Q Well, to whom did she belong at the breaking out of the war, did she belong to Ocie Brown or had he disposed of her? A Krebbs, Joe Krebbs, Ocie Brown sold her to Krebbs.
Q Where did Krebbs live at the time? A He used to live down close to the Choctaw Nation.
Q Well, now, where was Brown living when you knew Martha Bartlett? A Lived on the bluff.
Q In the Cherokee Nation or Choctaw Nation or Creek Nation? A Choctaw Nation.
Q Well, was Krebbs a citizen of the Cherokee Nation or did you know? A No, sir, he was Choctaw.
Q Well, then did you first see them after the war in the Cherokee Nation, Martha or her family or any of them, if at all? A I expect after the war I seen her after the surrender ten years then, I saw her on the Falls.
Q You mean Webbers Falls? A Yes, sir.
Q After the war sometime then about ten years you think? A Yes, sir, about ten years.
Q You had known her before the war? A Yes, sir.
Q Did you know her family before the war or any of her children or

sisters or know whether she had any? A Yes, sir, she had sisters.
Q You remember any of their names, sisters? A Hetty Reed.
Q Well, do you know any of her family now other than herself, have you ever got acquainted with any of the children since the war?
A Yes, sir.
Q Well, who are their names? A One is named Peggy.
Q Peggy McLeod now? A Yes, sir, one named Sallie, first married to Vann.
Q Afterwards married who? A Lewis Crosslands.
Q Well, do you know any of the others, do you know Emma Redmoe?
A Well, I see her, I don't know Emma much, I see them once in a while.
Q And they lived in the Cherokee Nation with Krebbs and belonged to Krebbs when the war broke out? A Yes, sir.
Q And after that time, sometime after the war, about ten years you think?

COMMISSION: You think you say that they are over on Webbers Falls in the Cherokee Nation? A Yes, sir.

Q Well, do you know whether these children were living over there with their mother at that time, these children that you speak of?
A Yes, sir.
Q Do you know that they were living in the Cherokee Nation, do you?
A When the war broke out they wasn't born then, these children.
Q Well, Sallie was born then wasn't she? A No, Peggy was born, Sallie wasn't born.
Q Well, how do you know that this Martha Batiest was sold to this man Krebbs? A Why I used to go around there on the place.
Q Did she stay at his place; about how long was she the slave of Krebbs, about when did he take possession of her? A I could n't tell you.
Q Well, she formerly belonged to a Cherokee did she, Richard Brown?
A Yes, sir.
Q The first time you saw them in the Cherokee Nation was about ten years after the war? A Yes, sir.
Q Do you know whether they had ever been here before that? A No, sir.
Q You don't know anything about that? A No, sir.

This testimony will be filed with and made a part of the record in the following Cherokee freedman cases: D-19, D-26, D-67, D-175 and D-136.

Arthur G. Grininger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Grininger

Subscribed and sworn to before me this 4th day of April, 1902.

Phillip F. Leitner
Notary Public.

Sallie Crittenden

F. D. 19

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of.....A. D. 190...

Given under my hand this..... day of.....A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 17 day of April, 1902

Louis F. Brown
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Louis F. Brown

on the 17 day of April A. D. 190 2

L. F. Brown
Attorney

Subscribed and sworn to before me this 17th day of April 1902

C. D. Rhoads
Notary Public.

My Com Exp SEP 10 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 15 1902
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Sallie Crosland for enrollment as Cherokee Freedmen:

Case No. F. D. 19

To Sallie Crosland c/o L S Brown agent

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T., Indian Territory, on 17th day of April, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 4/11/1902

L B Bell

W. W. Hastings

Jas. Darnell

Attorneys for the Cherokee Nation.

Q Do you know how long before the war it was that your father died?
A No, sir, I don't know just how long it was, it couldn't have been
but a short time because I remember one time of seeing him, just
remember him being there one time.
Q You know that he died before the war? A Yes, sir.
Q Do you know that Martha Pallest and her children were in the
control of Jim Webb before the war and during the war and until
[illegible] they were freed? A Well all that I have stated that I
[illegible] I know, that my folks and what I have heard Martha say
[illegible] about also, is all the evidence I have got to put about
it. It was generally understood throughout the country there that
they were owned by Jim Webb.
Q [illegible] A Yes, sir, I supposed so.

Commission: This testimony will be filed with the evidence and a
copy of the record in the following Freedmen's cases: C-80,
R-67 and in the case of Ben, R-19.

Arthur G. Gardner, being [illegible] states that he is a stenographer to the Commission to [illegible] tribes in Oklahoma and that the foregoing is a true and correct transcript of his shorthand notes taken [illegible] hereon.

Arthur G. Gardner

Subscribed and sworn to before [illegible] this [illegible] day of [illegible], 1909.

[illegible]
Notary Public.

File with F. 2-12.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 12, 1902.

In the matter of the application of Sallie Grossland for enrollment as a Cherokee Freedman.

APPEARANCES:
Lewis T. Brown, Vinita, I.T., agent for applicant.
J. J. Starr, representative of the Cherokee Nation.

J. J. BROWN, being first duly sworn, testified as follows:

MR. STARR: What is your name? A. J. J. Brown.
Q What is your age? A. 48.
Q What is your postoffice address? A. Rolleston, I.T.
Q What is your citizenship? A. Cherokee by blood.
Q Where were you living before the war of the Confederacy? A. I lived at Scullyville, Choctaw Nation.
Q Where did you go during the war? A. We went down on Red River about one hundred and fifty miles.
Q Did you know a colored woman by the name of Martha Baliest?
A. Yes, sir.
Q When did you first know Martha with reference to the breaking out of the war? A. Well I knew her about the time the war broke out, and up until after four or five years after the war closed, all during the war.
Q To whom did she belong when you first knew her? A. Joe Krebs.
Q What was the citizenship of Joe Krebs? A. He was half-breed Choctaw.
Q Did Joe Krebs own her up until the time she was freed? A. Yes, sir.
Q Do you know from family history to whom Martha Baliest belonged before she was sold to Joe Krebs?
MR. BROWN: Objected to on the grounds that the witness is only 48 years old and that testimony he is about to give is hearsay and from family history and is not competent.
COMMISSION: The objection of the agent for the applicant will be noted; the witness will answer the question.
WITNESS: Well, I was told by my people that my father sold her something before the war to Joe Krebs.
Q Well, where was Joe Krebs living when the war broke out? A. He was living in Sansbarnsburg, Sans Bois County, Choctaw Nation.
Q Well, did you know Joe Krebs since the war? A. Yes, sir.
Q Where did your live when you knew him afterwards? A. He lived at Scullyville a little, but went back to his own old home.
Q Who was the husband of Martha Baliest? A. Rollen Baliest.
Q Do you know the children of Martha Baliest at the time she was freed? A. I knew them, but I wouldn't know the names of them.
Q To whom did they belong at the time they were freed? A. Joe Krebs.
Q All the children she had after the war belonged to Joe Krebs?
A. Yes, sir.
Q Where did Martha Baliest and her children live at the time they were freed? A. They lived down there near Scullyville all around there about Scullyville.
Q They were living there at the close of the war? A. No, at the close of the war Joe Krebs returned with them and brought them back and burned them loose there at Scullyville.

Q How long did Martha Bellicet and her children continue to live in the Choctaw Nation after they were freed? A Several years, I don't remember just how long, but it was four or five years.
Q Were they living there about the year '70?
Mr. [illegible] Question objected to as leading.
[illegible] Answer the question.
Witness: It might have been four or five years, I don't know just how long, but they was there a good long while.
Mr. [illegible]: About how old were you Mr. Brown, when you first saw Martha Bellicet? A I was five or six years old I guess.
Q You were born in '68? A '56.
Q You say you are— A I am 40 years old.
Q You know all of Martha's children did you? A I know them, but I forgot the names of them.
Q How many did she have? A Four or five.
Q Now which was it? A Now I don't call the names of them.
Q Well, now think and see if you can't remember their faces? A I can't remember but one, and that was Sandy, the oldest child.
Q Don't know whether she had four or five? A I don't know, she might possibly have had five.
Q Possibly she had some children that you didn't know? A I know all that was living at the close of the war.
Q Well now how far did you live at that time from this man Krebs?
A We lived right close together during the war. We all refugeed together, they were kin to my step-grandmother, my grandfather married, and I was seeing them every day or two during the war, and saw them after the war.
Q Now what was your father's name? A Richard Brown.
Q What was his citizenship? A Cherokee by blood.
Q Was he a citizen of the Cherokee Nation or of the Choctaw Nation when the war came up? A Well, he was dead at the close of the war, but he was a citizen of the Choctaw Nation by marriage.
Q But a citizen of the Cherokee Nation by blood? A By blood he probably was a citizen, but then when he married my mother he moved on the Choctaw side.
Q Well now when the war came up what was his citizenship? A He was dead when the war came up.
Q Didn't he die soon after the war closed? A Well, I have answered all I believe it is necessary. I say he died before the war came up.
Q About how long before the war came up? A Some little before the war, I don't remember.
Q All you know about her being sold to this man Krebs is hearsay?
A Yes, sir, old Jeff Brown, he told me—
Q Never mind what Jeff told? A And my folks besides, grandfather.
Q Just wait a minute. Unless the Commission says that we do I don't want that testimony in the record. All you know about this woman being sold to a citizen of the Choctaw Nation is what someone else told you isn't it? A Yes, sir.
Q You don't know of your own personal knowledge that she was sold to you? A Well, I don't know to my own personal knowledge.
Q You wasn't present at the sale? A No, I wasn't present at the sale.
Q And your father, to whom she claims to have belonged was a Cherokee Indian? A Yes, sir, was a citizen of the Choctaw Nation when he died.
Q By marriage you say? A By marriage.
Do you know a man down there by the name of Cole Brown? A No, don't know him. I have heard of him but I don't know him at all.
Do you know what his citizenship was, was he a Cherokee? A Cherokee, I think.
Mr. CRAIG: Did you know Cole Brown? A No, sir, I didn't.

Q Do you know how long before the war it was that your father died? A No, sir, I don't know just how long it was, it couldn't have been but where time because I remember one time of seeing him, just remember him being there one time.
Q You know that he died before the war? A Yes, sir.
Q Do you know that Martha Bullock and her children were in the control of Joe Krebs before the war and during the war and up until the time they were freed? A Well all that I have stated that is all I know, that my folks and what I have heard Martha say and Jeff Brown also, is all the evidence I have got to that effect.
Q It was generally understood throughout the country though that they were owned by Joe Krebs.
MR. BROWN: Jeff Brown was a colored man? A Yes, sir.
Q Dead now? A Yes, sir, I understand so.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-66, D-67 and in the case at bar, D-49.

Arthur G. Gronniger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Gronniger

Subscribed and sworn to before me this 16th day of April, 1908.

R. A. Rutter
Notary Public.

F. D. 17

N TERRITORY,

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 1st day of Apr, 1902

Louis T. Brown

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 19 1902

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Sally Crossland,
for enrollment as Cherokee Freedmen:
Case No. F. D 19

To ~~Sally Crossland or L. T. Brown her~~ attorney:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 22nd, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 19, 1902.

L B Bell

W. W. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

File with C. F. D-19.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 24, 1902.

In the matter of the application of Emma Madwee et al for enrollment as Cherokee Freedmen, F. D.178.

Applicants represented by A. W. McKee, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes satisfactory proof of service that testimony would be introduced in behalf of the Cherokee Nation on the 22nd day of April, 1902, at the office of the Commission at Muskogee, Indian Territory:

ELIZABETH DRUM, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.
Q Where do you live, Mrs. Drum? A I live near Illinois Station.
Q Cherokee Nation? A In Illinois District, yes, sir.
Q How old are you? A I couldn't tell you just exactly my age, I don't know; I'm over 70 though.
Q Was you born and raised in the Cherokee Nation? A Yes, sir.
Q Near what place were you raised? A I was born back in the old country.
Q Did you know Ocie Brown during his lifetime who was a Cherokee man? A Yes, sir, I knew Ocie Brown.
Q Do you know whether or not he was living when the Civil War broke out? A He wasn't living, he was dead.
Q Where had he been making his home prior to his death, Mrs. Drum? A Well, he made his home in Canadian and in the Choctaw Nation.
Q Choctaw Nation? A Yes, sir.
Q Did you know his son Richard Brown? A Yes, sir.
Q Was he living or was he dead at the breaking out of the war? A He was killed.
Q Where was he at the time he was killed, if you knew A He was in the Choctaw Nation somewheres.
Q Did he have a home down there at that time? A Yes, sir, I think so; he married over there.
Q Had married a Choctaw? A Yes, sir, married a Choctaw.
MR. McKEE: I understood you to say, Mrs. Drum, that Mr. Richard Brown was a native Cherokee Indian, wasn't he? A He was Cherokee, yes, sir, he was Cherokee.
Q And he was only an adopted citizen if he was a citizen at all of the Choctaw Nation, he was adopted? A I don't know; he was married over there.
Q Well, do you know— A I don't know but what he was part Choctaw himself, I don't know about that; he was Ocie's son, I knew that; but I don't know his mother.
Q Well now what was Mr. Ocie Brown's nationality, what was his blood? A Cherokee.
Q Then his son Richard would be Cherokee also would he not? A Yes, sir.
Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum? A I don't know; I don't know; I don't believe his son ever did, I don't remember; I guess he did when he was a child.
Q Did you know any of the slaves belonging to the estate of Ocie Brown? A No, sir.
Q Wasn't acquainted with any of the slaves? A No, sir.
Q Did you know the mother of Richard Brown? A No, sir, I didn't know her.

Q Did Cole Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.
Q When did he die? A Cole Brown?
Q Yes. A Well, about four or five years before the war.
Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.
Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.
Q That is Richard Brown? A Yes, sir, Cole's son. I know he lived in the Choctaw Nation all his life pretty much ever since he got grown man.
Q Did he have any slaves, Richard? A I don't know, I guess they did, a few two or three.
MR. S T. BROWN: Did Cole Brown own any slaves? A Well, I said I guess he did.
Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names. I know Mr. Brown's son.
Q Was Cole Brown's wife a citizen of the Cherokee Nation at the beginning of the war? A Cole Brown's?
Q Yes. A She was a Choctaw lady.
Q Was Cole Brown's citizenship Choctaw? A Well, I don't know; he lived over there.
Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.
MR. ROBERTS: Well you just stated that Cole Brown's wife was a Cherokee, the mother of Richard Brown. She was a Cherokee? A She wasn't his mother.
Q She wasn't the mother of Richard Brown? A No, sir, Peter just had one child, a boy, and he's dead now I guess.
Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedman cases: D-611, D-612, D-620, D-621, D-806, D-847, D-814, D-816, D-817, D-818, D-819, and D-175, being the same at bar.

Arthur G. Ensinger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Ensinger

Subscribed and sworn to before me this 25th day of April, 1908.

Tom Kettle

Notary Public.

Cherokee Freedmen D-19.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Greenland as a Cherokee Freedman.

DECISION.

The record in this case shows that on April 6, 1901, Lewis Greenland appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of Sallie Greenland, as a Cherokee freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 24, 1901; at Muskogee, Indian Territory, on March 6, 1902, on April 10, 1902, on April 18, 1902, and on April 22, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Sallie Greenland was born since the commencement of the rebellion and is the daughter of and claims her rights to enrollment through her mother, Martha Battiest. It appears that the said Martha Battiest was born prior to the commencement of the rebellion but was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

It does not appear that the applicant is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sallie Greenland as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this APR 20 1904

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 11 1902
ACTING CHAIRMAN.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Lewis Cross land,
Bunie ~~Bunie~~, I.T.

Cherokee Y-B-19

Register.
Copy to Lousis T.Brown,
Vinita, I.T.

File 7

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE.

WM. O. BRALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-19.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 3, 1904.

Sallie Crossland,

Benge, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for your enrollment as a Cherokee freedman. Your agent, Louis T. Brown, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

Enc. D-76

COPY.

Cherokee Freedman
D-19.

Muskogee, Indian Territory, May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Sallie Grayland as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-79.

COPY.

Cherokee Freedmen
D-19.

Muskogee, Indian Territory, May 3, 1904.

Louis T. Brown,
Agent for Sallie Crossland,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 29, 1904, rejecting the application for the enrollment of Sallie Crossland as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register

Enc. D-78

COPY.

Cherokee Freedmen
D-19.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Sallie Crossland as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Enc. D-77

Chairman.

Refer to reply to [illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 4, 1904, transmitting the record of the application of Lewis Crossland for the enrollment of his wife, Sallie Crossland, as a Cherokee freedman.

April 20, 1904, the Commission found that Sallie Crossland was not entitled to enrollment as a Cherokee freedman.

The evidence shows that he said Sallie Crossland was born since the commencement of the war of the rebellion and is the daughter of and claims her rights to enrollment through her mother, Martha Battiest, or Battie, that her mother, the said Martha Battiest, was born prior to the commencement of the war but was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the war.

It does not appear that the name of Sallie Crossland is identified on the 1880 authenticated Cherokee roll.

In view of the record, the approval of the Commission's decision endorsed in the application is recommended.

Very respectfully,

(Signed) A. G. Cooper,

Acting Commissioner.

D.

D. C. [illegible] COPY W. S. [illegible]

I. T. D. [illegible] DEPARTMENT OF THE INTERIOR. [illegible]

[illegible] WASHINGTON. [illegible]

June 1, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1906, you transmitted the record in the matter of the application for the enrollment of Willie Greenland as a Cherokee freedman, including your decision of April 26, 1906, rejecting said application.

Reporting in the matter May 26, 1906, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

1 inclosure. Acting Secretary.

COPY.

Cherokee Freedmen
R-370

Muskogee, Indian Territory, October 3, 1904

Lewis Crossland,

Briggs, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of September 29, relative to the enrollment of your wife, Sallie Crossland, as a Cherokee freedman.

In reply you are advised that on June 1, 1904, the Secretary of the Interior affirmed the Commission's decision of April 20, 1904, rejecting the application for the enrollment of the said Sallie Crossland as a Cherokee freedman. In this connection you are advised that the Commission, on June 7, 1904, addressed a letter to the applicant, advising her of the Department's action, and the letter was returned uncalled for.

SIGNED. Tams Bixby.
Chairman.

1009

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw Freedman
B 28

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 7, 1904.

Eaklie Greenleaf,
Ralph, Indian Territory.

Your Indian

You are hereby advised that the Commission's decision dated April 28, 1904, rejecting your application for enrollment as a Choctaw freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Secretary.

Cherokee Freedman
D 19

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Sallie Crosslands as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 1, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 18

Muskogee, Indian Territory, June 7, 1904.

Louis T. Brown,
Agent for Sallie Crosseland,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 28, 1904, rejecting the application for the enrollment of Sallie Crosseland as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 1, 1904.

Respectfully,

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. TER.
MAY 14 1904
REGISTERED

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OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

Sallie Crossland,

~~Benge, Indian~~ Territory.

unclaimed Return to Dawes Com
J. Murdoch Jr

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, I.T.
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OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

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Sallie Crossland,

~~Benge,~~ Indian Territory.

unclaimed Return to Dawes Com Five Tribes J. Murdoch Jr

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See Cher Fr D 748

Cher Fr K 371

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
NO 180
FILED

Willie Whitmire, et al ---

Q. Talking about your brother-in-law, Hurst. A. That is her brother, but he is just a half-brother.
Q. Then Lula Howe was the [illegible] daughter than your wife? A. Yes, sir.
Q. Give me their names. A. Lulie and George.
Q. Any body else? A. [illegible]
Q. Are they all living? A. Yes, sir.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and name of applicants herein not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicants' names not found thereon.

Did your wife draw Cherokee strip money? A. No, sir.
Is she on any roll? A. No, sir.
On what roll is she? A. On the Wallace roll I think.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife not found thereon.

CROSS EXAMINATION.--The applicant appears for the cross-examination of himself and his wife. He is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He has lived in the Cherokee Nation all his life and he will be sworn for a more complete roll of Cherokee Freedmen.

He states that his wife is a Cherokee Freedman by and by right, but she is not identified upon the Wallace roll or the 1880 roll, the roll of 1896 or the Dawes Final roll. She is too young to be identified upon the 1880 roll. Her mother is not identified upon that roll. She is

REJECTED, as to Wife, Sophia.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 17th, 1901.

In the matter of the application of William Whitmire for the enrollment of himself and his wife, SOPHIA, as Cherokee Freedmen; said Whitmire being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name A William Whitmire.
Q How old are you? A 21.
Q What is your post office? A Wimer.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll, just yourself? A Yes, sir.
Q Anybody else; are you married? A Yes, sir.
Q Is your wife A Cherokee Freedman? A Yes, sir.
Q Why don't you apply for her? A All right.
Q Have you any children? A No, sir.
Q You apply then for yourself and wife if you have no objection?
A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.
Q Have you ever applied for enrollment in any other tribe or Nation?
A No, sir.
Q Give me the name of your father? A Mose Whitmire.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Mariah.
Q Is she alive? A Yes, sir.
Q Give me the name of your wife? A Sophia.
Q Does your wife claim to be a Cherokee Freedman of her own right you say? A Yes, sir.
Q What was your wife's name when you married her? A Rowe.
Q Give me the name of her mother? A Lila.
Q Lila Rowe? A Yes, sir.
Q Is your wife's mother alive? A Yes, sir.
Q How old is your wife? A 18 years old.
Q When were you and she married? A In March.
Q This last March? A Yes, sir.
Q Is there anybody here that knows that you and she are married?
A Yes, sir, my mother.

MARIAH WHITMIRE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Mariah Whitmire.
Q You were born 11 years before the war broke out, wasn't you?
A I was 11 years old when the war broke out.
Q What is your post office? A Wimer.
Q Is this applicant here your son? A Yes, sir.
Q Is he married? A Yes, sir.
Q What is the name of his wife? A Sophia Rowe.
Q How long have they been married? A Married 24th of March.
Q This last March? A Yes sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon page 198 #3186, Willie Whitmire, Cooweescoowee District.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 426, #695, Willie Whitmire, Cooweescoowee District/

WILLIAM WHITMIRE, the Applicant, re-called:

Q Has your wife any sisters older than she, or brothers?
A Yes, sir.
Q What are their names? A George, Eddie, was the oldest.
Q Is he alive? A Yes, sir.
Q Eddie Rowe and George Row? A George, he is Ward.

William Whitemire, et al. -- 2.

Q. I am talking about her brothers and sisters? A. That is her brother, but he is just a half [illegible]
Q. This Lila Rowe has she got, [illegible] older than your wife? A. Yes, sir.
Q. Give me their names? A. Eddie and George.
Q. Anybody else? A. Bettie.
Q. Are they all called Rowe? A. Yes, sir.

The 1880 Authenticated Roll of Citizens of the Cherokee Nation examined and name of applicant's wife's mother not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's wife's name not found thereon.

Q. Did your wife draw Cherokee per capita money? A. No, sir.
Q. Is she on any roll? A. Yes, sir.
Q. On what roll is she? A. On the Wallace roll I think.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife not found thereon.

COM'R BRECKINRIDGE: -- The applicant applies for the enrollment of himself and his wife. He is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee Freedman.

He states that his wife is a Cherokee Freedman of her own right, but she is not identified upon the Wallace roll or the 1880 roll, the roll of 1896 or the Kern-Clifton roll. She is too young to be identified upon the roll of 1880 and her mother is not identified upon that roll. She is not considered to be entitled to enrollment of her own right and having married in the month of March of the present year, she is not considered under any theory to have acquired the right of enrollment by intermarriage to the applicant and the application for her enrollment is rejected.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 18th day of May, 1901.

C. H. Breckinridge

Commissioner.

B. O. W. 54

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 17 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date [illegible]

Post Office [illegible]

District [illegible]

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Sophia Whitmire Age 14

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother Lilah Rowe-Young Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Mrs. M. Whitmire, Husband Stenographer J. C. Rosson

Rejected

X Ref.

86

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 20, 1901.

In the matter of the application of Sophia Whitmire for enrollment as a Cherokee Freedman.

Sophia Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sophia Whitmire.
Q How old are you? A 19 years old.
Q What is your post office address? A Wimer.
Q What district do you live in? A Sequoyah district.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Whitmire.
Q What is your mother's name? A Delilah Rowe.
Q What is your father's name? A I don't know.
Q Your mother living? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Is your name on the roll of 1880? A No, sir.
Q Is your husband a citizen? A Yes, sir.
Q Is he here? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant's parents not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw strip money? A Yes, sir.
Q When were you married? A The 15th of last March.

The Kern-Clifton roll examined and the applicant not identified thereon.

Commissioner: Sophia Whitmire applies for the enrollment of herself. She avers that she is the child of Delilah Rowe, who has this day been listed for enrollment on D card 748, and the testimony taken in the case of said Delilah Rowe will be made part of the record in the case at bar, and a copy thereof filed herewith. She cannot be identified upon any roll now in the possession of the Commission. She avers that she is now married to one William Whitmire. She makes satisfactory proof as to residence, consequently Sophia Whitmire will now be listed for enrollment as a Cherokee Freedman on a doubtful card. She will be notified by mail of the action of the Commission on her application.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 20th day of June 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 18 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 10, 1901

Post Office Vinita I.T.

District Cro

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

11. Name of wife Johnetta Litsine Age 17

Owner's name ..... Citizenship .....

Year ~~Walker~~ Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother Delilah Rowe-living Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Mail Stenographer B. C. Jones

Doubtful

Ref D 748

Wallace roll of [illegible] of the Cherokee Nation examined and applicant identified hereon as follows:
Page 158 #2877, [illegible] Rowe, Coosewatee District.
Page 158 #2878, [illegible] Rowe, Coosewatee District.
Wallace roll of [illegible] of the Cherokee Nation examined for Sophia, and [illegible] also examined for Daniel and Eva and [illegible]

APPLICANT re-called and further examined, by Com'r Needles:
Q Did Sophia get by any other name besides Rowe? A No sir.
Q Is Sophia married? A Yes sir, she is married, she got married last Christmas.

[illegible]

Q And you draw what is known as Orphan Money or the Kern-Clifton Money, for these children? A No sir.
Q Is Lubertha alive at this time and living with you? A Yes sir.
Q Is Daniel living with you? A Yes sir.
Q Eva? A Yes sir.
Q Harvey? A Yes sir.
Q Sophia, I understand she is married? A Yes sir.
Q Who to? A William Gilstrap, and Warlie is married.
Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Needles: Delilah Rowe applies for the enrollment of herself; she cannot be identified upon the authenticated roll or 1880 or the census roll of 1896 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit: Lubertha, Daniel, Eva, [illegible] of Lubertha is found upon the Wallace roll.

File with Cherokee Freedmen, #753, Sophia Whitmore

[redacted] of the [redacted]
[redacted] tribal
[redacted] June 16, 1902.

In the matter of the application of Sophia Rowe for the enrollment of herself and children as Cherokee freedmen, being sworn and examined by [redacted], she testifies as follows:

Witnesses:
Mrs. Smith, of Vinita, I.T., the applicant.
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Sophia Rowe.
Q How old are you? A Must be about 50 I guess.
Q What is your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many? A Nine.
Q Nine children with you? A I say I have got nine.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q What is your father's name? A Daniel Rowe.
Q Is he living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Vallage roll.
Q You say you have never been married? A No, sir.
Q And got nine children, what do you call all of these children, Rowe? A Yes sir.
Q You have got five under 21 years of age, what is the first one named? A Luberthe.
Q Luberthe, is next one Sophia? A Yes sir.
Q She is 19? A Yes sir.
Q Next one Daniel? A Yes sir.
Q Is he 17? A Yes sir.
Q Next one, what is the next one? A Eva.
Q Eva is about 12 is she? A Yes, sir.
Q And what is the name of the next one, Harry? A Harvey, seven years old.
Q Did you know what is known as the Strip payment? A No sir.
Q Where were you born? A Born in the Nation here.
Q These children all born in the Nation here? A All but the oldest one.
Q You were a slave? A Yes sir.
Q Who did you belong to? A Lewis Rowe.
Q Was he a Cherokee? A Yes sir.
Q Lewis Rowe was a Cherokee by blood? A Yes sir.
Q Were you taken out of the nation during the war between the North and South? A Yes sir.
Q Where? A Went out up in Kansas.
Q When did you return to the Cherokee Nation? A '66.
Q Who with? A My father and brothers.
Q And you have been living in the Cherokee Nation ever since that? A Yes sir.

By Mr. Smith:

Q Who are your witnesses? A Jim Liberty, and Rose Haley.
Q You were born a slave yourself? A Yes sir.
Q Lewis Rowe was a Cherokee Indian and a citizen of the Cherokee Nation? A Yes sir.
Q Where were you at the time the war commenced? A When the war commenced we was in the Cherokee Nation.

Q Where? A At the old Anyon to my old boys' place on Grand River.
Q How far from [illegible]? A I don't know.
Q Is it the old [illegible] Anyon? A Yes sir.
By Mr. [illegible]
Q How old are you now? A Just be about 50, I don't know my age exact.
Q What was your father's name? A [illegible]
Q He came back with you [illegible]? A [illegible]
Q Your mother came [illegible]? A My mother died in Kansas.
Q At what place? A [illegible]
Q You came down here then from Pittsburg, Kansas? A No, sir, mother died when we first went up there.
Q Was your father in the army? A Enlisted to the militia.
Q What place in Kansas did you come from when you came down here? A Ft. Scott.
Q What were you doing up at Ft. Scott just after the war? A We just lived there.
Q Did you have any children up there? A I had one.
Q Born up there? A Yes, sir, the oldest one.
Q Born in Ft. Scott? A Born in the neighborhood there. We lived in the country.
Q Was you living with a man then as your husband? A No sir, I never had no husband.
Q Who were you living with when that child was born? A With my parents.
Q That child alive now? A Yes sir, grown up and got children.
Q What is his name now? A Eddie.
Q How old is Eddie? A He must be something near 55 years old I reckon; that's my way to put it down.
Q You applied for Eddie before the Kern-Clifton commission, didn't you? A Yes sir.
Q You remember what you give the name in at that time? A No, sir, I don't.
Q You remember whether or not you give his age in as 20? Oh he must have been 20.
Q Do you remember whether you gave his age in as that or not? A I don't remember whether I did or not.
Q How old was Eddie when you came down here? A He was something over 2 months old.
Q Where was George born? A He was born here.
Q Where? A On Big Creek.
Q You came from Kansas to Big Creek? A Yes sir.
Q You know Albert Morris, that man living over there? (indicating) A Yes sir.
Q He was living there on Big Creek was he when you came? A No sir, I don't remember seeing him.
Q How far did you live from him? A His place must be about 6 miles I reckon from our place.
Q You say he was not living there? A I never saw him.
Q How long was it after you got there until you saw him? A I don't know how long it was.
Q Peter Ward was living up there when you went there? A Yes sir.
Q Did Peter Ward have a house when you came there? A Yes, sir, they built log houses.
Q Did they have a little patch of corn? A Yes sir, no corn; I never seen any.
Q Did Oliver Morris live there? A Several years after we was there we got acquainted with the Morris folks.
Q Did you testify five years ago before the Kern-Clifton commission that he was living there? A No, sir, I didn't. You asked me if he was living there and I told you when I got acquainted with him he was living there, but I never seen him when I first went there.
Q Where is your son Eddie? A He is here somewhere.
Q Was he tried in the United States Court at Ft. Smith? A Yes sir, you know all about it.

Q Convicted? A Yes, sir.

Q What was he convicted of? A I told you that once, he was accused of containing stolen property.

Q Who did the property belong to? A I didn't know, I don't remember.

Q You said before it belonged to William Martin, didn't you? A Never said any such a thing, sir.

Q You don't know who it belonged to? A It belonged to somebody down in there, but I don't remember who it was now. I don't know no William Martin, old Bill Martin.

Q Yes. A No sir, I didn't state that.

Q You deny the property belonged to him? A I don't deny it, it may have been, I don't remember it.

Q How far did you live from Coffeyville? A We call it 18 mile from our house to Coffeyville.

Q Who were your neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitmire, and Uncle Mike and Mart Whitmire, and old Andy Daugherty, there was a good many of them.

Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.

Q You came straight from Kansas there? A Yes, sir, we came straight from Kansas with my father.

Q Down there? A Yes sir.

Q How long after you got there until you saw Jim Liberty? A He come to visit us little while after we was there.

Q Are you any kin to him? A No, sir.

Q Was it in the spring of the year or the summer or what time of the year? A It was in the fall, getting cool.

Q About what month in the fall? A I don't know, it must have been along in November, or the first of December.

Q Do you know what year George was born in? A George was born in the year Chicago caught fire, 1871 I believe. George didn't with my children at all.

Q How much older than George is Eddie? A There is one dead between them.

Q How much difference between the ages of Eddie and George? A I don't know, there is a boy between them, dead.

Q Well now about the difference in the ages of them two? A I can't tell, because I don't know.

Q Well what is the difference between George's age and Bell's age?

A Bell is 27 last March and George ought to be 30 I reckon.

Q Well you know the difference between Sassafrassand Bell's and George's age, why don't you know the difference between George's and Eddie's ages? A Well I say there is one between them children that's dead.

Q Well can't you tell how much older than George Eddie is? A Well I guess not, you will have to tell.

Q You raised them both didn't you? A Yes, I raised them right there on Big Creek.

Q Well now tell us how much older than George Eddie is? A Must be something like five years I guess.

Q You saw Jim Liberty first after the war up on Big Creek?

A Yes, sir, he came to our house.

Q How long did he stay there? A He was around in the neighborhood several days.

Q You don't know what month it was, in the fall? A Well when he come to our house it was something near Christmas time.

Q About Christmas time was it? A Yes sir, something near Christmas time.

Q You know William Noble? A Yes, I know Bill Noble.

Q How far did he live from you at that time? A About eight miles.

Q You have lived there ever since have you? A Yes sir.

Q Old man Felach Carroll living there at that time? A He lived upon Snow Creek.
Q How far from you? A [illegible] is miles.
Q Was he living on there when you moved up there? A I don't know, we never [illegible] out [illegible].
Q What were your [illegible] children? A Willis Whitaire and Mart Whitaire and [illegible].
Q How far did you live from Andy Daugherty? A Something over two miles.
By Mr. Smith:
Q What are the names of your children, other than the ones you have enrolled for here to-day? A The oldest one is Annie.
Q Annie what? A We sometimes call her Annie Watkins. They mostly go by my name, Howe.
Q Now the next one? A George Ward. He went with me though.
Q Well the next one? A Bell Tyler.
Q Well the next one? A Ford Thompson.
Q Any others? A Hattie.
Q Any others? A Lutherthe.
Q Well that brings you down to the ones you gave here this morning? A Yes, sir.
By Com'r Meadler:
Q Do you want these children enrolled as Howe? A Yes sir. They have always went by that name.

MOSE RILEY, being sworn and examined by Com'r Meadler, testified as follows:
By Mr. Smith:
Q State your name? A Mose Riley.
Q Where do you live? A Chelsea.
Q Is that your postoffice? A Yes sir.
Q How long has that been your postoffice? A Between 21 and 2 years
Q You know this applicant, Delilah Rowe? A Yes sir.
Q How long have you known her? A Known her ever since she was a young girl.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir, she was a slave, at Lewis Ross.
Q Was Lewis Ross a Cherokee Indian? A Yes sir.
Q Well, where did Lewis Ross live when the war commenced? A At the old asylum. There the Cherokee Orphan Asylum is now.
Q In the Cherokee Nation? A Yes sir.
Q Where was Delilah Rowe when the war commenced? A I don't know sir whether she was right there or not.
Q When did you first see her after the war closed? A It was right after the war I saw her at her uncles, her and her father and mother, that is her step-mother.
Q Who was her uncle? A Lewis Rowe.
Q Where did you see her? A On Grand River, in the Cherokee Nation.
Q When? A Right after the war.
Q You don't know what year it was in? A No sir.
Q How long after the war was it? A Not very long after the war - when the colored people all began coming back here.
Q When did you come back yourself? A In 66.
Q What time in '66? A In the fall.
Q Did you see her before or after you yourself came back? A I saw her after.
Q How long after? A It must have been a couple of months, anyhow, somewhere along about that time, in the winter.
Q Can you state what time in the fall of '66 you came back, how long before Christmas? A I went up directly after - we come down directly after laying by corn, and got back just as soon as we could get back, wasn't there very long.

Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.

Q You think it was about how long you say before you saw her after you got back? A I don't think it was over two months. I don't think it was.

Q Do you know where she is living now? A Yes sir.

Q Where? A She is living about three quarters of a mile west of Vinita, I mean Tarkio.

Q How long has she been living there? A Oh she has been living there for years, I don't know sir, ever since she was a young woman.

By Mr. Hastings:

Q Mose, you have already applied for enrollment yourself haven't you? A Yes sir.

Q You have been put upon a doubtful card? A I suppose so, yes sir

Q Your father's name was Riley McNair? A Yes sir.

Q Your father came down to the Cherokee Nation before you didn't he? A Yes sir.

Q He made a crop on the old McNair place? A Yes sir.

Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we came down in the fall.

Q Mose, have you ever had any occasion to specially remember for 35 years just meeting this woman, or any other woman? A No sir, only meeting the colored people after we come back.

Q You say this woman sometime after you came back? A Yes sir.

Q That was over on Grand river? A Yes sir.

Q How how far is Grand river from Big Creek? A I don't know, sir, it must be maybe 35 or 40 miles, somewhere along there, I don't know just how far.

Q How many crops, how after you came back yourself, did your family make on the McNair place? A Two.

Q You made two, and then you moved to Pryor Creek, did you? A Yes sir.

Q What time in the year did you move to Pryor Creek? A Let me correct that, father made one and we made one, two in all is what we made.

Q You mean by that then that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved to Pryor Creek? A Yes sir.

Q Well then the next year after you made that crop, that following fall you moved to Pryor Creek, is that the way of it? A The fall after you made your crop yourself? A We commenced moving in the winter and we never finished moving until the spring after that.

Q Who were your neighbors over on Pryor Creek? A There wasn't no neighbors there when we went there.

Q Well you moved to the place you lived sometime afterwards? A Martin Thompson, he finally lived there on what was called the old Doddy place years before the war.

Q You wasn't called upon to testify for this woman 5 years ago? A No sir.

Q How long after you saw her on Grand river was it until you saw her up on Big Creek? A I saw her next year after we come from Saline, out in Choctaw.

Q You are not willing to testify just what year you saw her down on Grand river? A No sir.

Q You are not positive as to the exact number of months after you returned until you saw her down there? A No sir, I couldn't tell exactly.

Q Good many people were coming back at about that time? A Oh yes sir. They were coming occasionally.

Q You had no more reason to remember this woman than any other colored person that was coming back to the Nation did you? A No more than I went up there frequently? I lived right there.

Q How far was the [illegible] place from where Daniel Rose lived? A It was I expect 12 or 14 miles. [illegible] down in that part [illegible] every Sunday.

By Com'r Meacham:

Q Does Big Creek [illegible] into Grand river? A No sir.

Q Big Creek runs into the [illegible]? A Yes sir.

Q You stated it was 12 or 14 miles from Big Creek to Grand river?

A Yes sir, 12.

Q Well to your points - well I'll [illegible].

WM ALBERTY, being sworn by Com'r Meacham testified:

By Mr. Smith:

Q State your name? A Jim Alberty.

Q How old are you? A Near 70 years old.

Q What is your post office? A Chouteau.

Q How long have you lived in the Cherokee Nation? A 70 years.

Q Do you know this applicant, Delilah Rose? A Yes sir.

Q How long have you known her? A I have known her from a small child.

Q Was she a slave before the war? A She was born a slave.

Q Whose slave was she? A Lewis Rose.

Q Was Lewis Rose a Cherokee Indian? A Yes sir.

Q Where did he live before the war? A Over here where this Orphan Asylum is.

Q In what nation? A On Grand river. In the Cherokee Nation.

Q When did you first see this applicant, Delilah Rose, after the war closed? A I saw her right close to her old home, come there and visited her daddy and her with him.

Q Who was with her? A Her daddy, Daniel Rose.

Q Where was that you saw her? A In the Cherokee Nation, on Grand river.

Q When was it? A It was in '66.

Q You know about what time of the year? A Yes sir.

Q What time? A It was in the fall, as well as I can recollect.

By Mr. Hastings:

Q What time in the fall was that? A I don't know exactly what time it was, it was in the fall of '6 a year though.

Q You don't remember the month? A No sir, I don't know the month.

Q You just happened to run across her father coming up there?

A No sir, I was hunting a horse, some Indian stole from [illegible] Nave here.

Q Where was he at that time? A He was camping here by his old master's home.

Q There on Grand river? A Yes sir.

Q Down close to the Orphan Asylum? A Right there.

Q Right at the Orphan Asylum? A Yes sir.

Q Was that orphan school there? A No sir, nothing there.

Q Was he in a tent? A Yes sir.

Q Did you see this woman Delilah there then? A Saw a girl there, she was a girl then.

Q How long did you stay and talk to them? A I stopped and talked to them a long time.

Q Stay all night there? A No sir.

Q Stopped there an hour or two? A Yes sir, and gone.

Q Did you notice her there particularly? A Yes sir.

Q She have any children there then? A I think she had one child; there was a child there and I knowed Daniel's wife was too old to have one and I took it to be here.

Q Was it a boy or a girl? A It was a girl, I think, it was so little, it had a dress on, I don't know what it was exactly.

Q Old enough to talk? A No sir.

Q Walk? A It could stand up by a chair if it had it, it [illegible]

stand alone?

Q You remember [illegible]? A Yes sir.

Q You don't know [illegible] A No sir.

Q Th[illegible] in the [illegible] A [illegible] was in the fall, to the best of my knowledge.

Q What year was it [illegible] the census before, the Kern-Clifton?

A I don't know.

Q What year [illegible] the census? A I can't tell you that, [illegible]

Q What year is [illegible]? A Why you keep asking me something that I don't know. I don't know the year, only if somebody tells me.

Q Who told you [illegible] year? A [illegible]

Q Yes? A Lord a mercy, [illegible] the Indians would tell me that.

Q What year was it you [illegible] this Indian money? A That's the same question: I can't answer it, I don't know.

Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.

Q When did you next see this woman? A I saw her that same fall here on Big Creek.

Q She living in a house up there? A Yes sir. Little pole house.

Q That was before Christmas was it? A I don't know how exactly; but it was the same fall.

Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.

Q But you saw her up there that fall? A Yes sir.

Q How far was she living from Peter Ward at that time? A I guess it was 2 miles.

Q You knew Peter Ward then? A Yes sir.

Q He was living up there was he? A Yes sir, he come there before I built my house up there.

Q How long before the war was it you saw this woman? A Before the war?

Q Yes? A This wasn't no woman before the war.

Q Well this girl, she is a woman now? A I can't tell, I never notice children.

Q How far did you live from her? A I lived about 15 miles.

Q From her? A From Lewis Ross.

Q Do you remember positively having seen her before the war?

A Yes sir, seen her when she was a child.

Q You don't know how many years before the war? A No sir.

Q Was it a number of years? A No, I don't think it was a great number.

Q About how long do you suppose it was before the war? A I don't suppose it was more than a year before the war when I first saw her a child.

Q Did you enlist in the army? A Yes sir.

Q Where? A At Little Rock.

Q Arkansas? A Yes sir.

Q Who did you belong to when the war came up? A Jona Liberty.

Q Are you the same fellow that Mr. Lindsey testified was sold out to a white man near Little Rock - he testified in your case?

A He is the man that testified that I was sold out down there.

Q Down near Little Rock? A Yes sir.

Q You enlisted in the army at Little Rock? A Yes sir.

Mr. Smith: I object to that, because Mr. Lindsey didn't testify he was sold out, he testified to what John Liberty told him.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Wallace roll of [illegible] by the Cherokee Nation examined [illegible]
[illegible] District.
[illegible] Lower District.
Wallace roll [illegible] Cherokee Nation examined for Sophia, [illegible] also examined for Daniel and Eve and Harvey [illegible]

APPLICANT [illegible] examined by Com'r Needles:

Q Did Sophia [illegible] any of her [illegible] Roll? A No sir.
Q Is Sophia married? A Yes sir, she got married, she got married last Christmas.
Q [illegible] married? A Is Lubertha married? A No sir.
Q Did you draw what is known as Strip money or the Kern-Clifton money, for these children? A No sir.
Q Is Lubertha alive at this time and living with you? A Yes sir.
Q Is Daniel living with you? A Yes sir.
Q Eva? A Yes sir.
Q Harvey? A Yes sir.
Q Sophia, I understand that is married? A Yes sir.
Q Who to? A William Wilmire, and Martha is married.
Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Needles: Delilah Rowe applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit: Lubertha, Daniel, Eva, and Harvey. The name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any roll of the rolls of the Cherokee Nation. The applicant avers that she was a slave, as to her citizenship reference is made to the testimony; she makes satisfactory proof as to residence. Consequently, Delilah Rowe, her child Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee Freedman on a doubtful roll; it will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation now in the possession of this Commission. The applicant will be notified by mail as to the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 26, 1901.

Signed, T. B. Needles, Commissioner.

***

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.
OCT 1 1 1907
RECEIVED
ACTING CHAIRMAN
COMPLETE RECORD
STATES

NOTICE!

IN THE MATTER OF the application of Sophia Wjitmire for enrollment as Cherokee Freedmen:

Case No. F. D. 753

To Sophia Whitmire Wiren I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

N. W. Hastings

J. L. Davenport

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Sophia Whitmire for enrollment as a Cherokee Freedman.

No. F. D. 753

Henry Pack, of lawful age, being duly sworn on oath states that on the 21st day of September, A. D., 1901, he registered to Sophia Whitmire whose postoffice is Wagner Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 1st day of October, 1901, he received the return card which is hereto attached, signed by the said Sophia Whitmire showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 1st day of Oct A. D. 1901.

J. C. Starr
Notary Public.

a letter when he was living there and Mr. Ross brought the letter to my husband to read to, he couldn't read writing and my husband could.

Q. Tell us what you have said about letters since you have been under examination on this case? A. Well, that was the very [illegible]

Mr. [illegible]: Applicant objects to the testimony with respect to the letter, for the reason that the letter speaks for itself, being the best evidence.

Mr. [illegible]: In that letter you spoke of Mr. Ross having read it to your husband? A. No, [illegible] read it, Mr. Ross took it [illegible]

Q. Are you married? A. No, sir, my husband is dead.

Q. [illegible] married? A. [illegible]

Q. [illegible] you are living now? A. [illegible]

Mr. [illegible]: [illegible] like to have [illegible] of the testimony [illegible] Davis [illegible]

[illegible] will be made part of the [illegible] Davis [illegible]

[illegible]

[illegible] testimony in the above case, in the form [illegible] is a [illegible] transcript of the testimony [illegible]

[illegible]

[illegible]

File Cherokee Freedmen D-[illegible], Sequoyah Enrollment.

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mackey & Smith, Attorneys for applicants.
J. G. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn for Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A. Elizabeth Jane Morris.
Q. How old are you? A. I was 60 the 8th of last March.
Q. Where do you live? A. I live in [illegible], [illegible] Township.
Q. What is your postoffice? A. [illegible].
Q. How long have you lived in that section of country there in Sequoyah, Mrs. Morris? A. I have lived there from 1867 up to the present time and living there yet when I am at home.
Q. Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A. Yes, sir, they were my near neighbors when we were there.
Q. Did you know one by the name of Delilah Rowe? A. Yes, sir.
Q. Did you know her father? A. Yes, sir.
Q. What was his name? A. Daniel Rowe.
Q. When did you get acquainted with this family? A. When they first came there, that was about the close of the war.
Q. How far did they live from you? A. About [illegible] mile.
Q. Well, how long did they continue to live there near you? A. They lived there until they moved to the Territory here.
Q. About when was that, if you know, by any circumstance that could have called that to your attention? A. The same year that I say, in '67, that Mr. Davis left me.
Q. Do you know whether or not they came before or after Jack Davis left that country? A. They came before, or at least I got acquainted with them before.
Q. Did they come first or Jack Davis came first? A. They came first, Mr. Rowe came first, located.
Q. Why do you say he came first, was there any circumstance? A. Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.
Q. Well, did you ever hear of any correspondence between them anyway that makes you fix the time or ever know them coming, between the Rowe family and the Davis family? A. After Mr. Davis left there they corresponded together.
Q. What place are you speaking about that he left? A. I thought I told you on Mr. Morris' place. I didn't know of his living on any other place after I got acquainted with him.
Mr. Smith: How long did you say that Delilah Rowe lived there?
A. She lived there all the time her father did with him.
Q. What was her father's name? A. Daniel Rowe.
Q. Well, how long did he live there? A. He lived there at the close of the war in '65 as near as I can remember.
Q. How long did he stay? A. Stayed until he moved to the Territory.
Q. Well, how long was that? A. That was either in '67, in '67 if it is correct about Mr. Davis, he left the same year as near as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter. I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q When did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understand, anyway.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring. I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentlemann came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes commission to come here and testify?

Mr. Davenport: I object to that mode of examination, if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Dawes commission to come here and testify? A I don't know anything more about the commission than anything in the world, he came and said he was doing government business.

Q How do you know this is in '87, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q That was the date that the child that you fix this date by was born on? A June 24.

Q That year? A 1866.

Q Then was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much older was the first child than the second one? A My boy, 7 years older, let's see, I can count that up, my oldest boy was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the exact boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '87? A After this born one, no, sir.

Q The next boy, not the youngest, the next one? A The one that died, it wasn't more than 2 years between the one that died and this one I was telling you that I have the date of, October 25, there was quite a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell me how your dear son's child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 3d.

Q What year? A That was in [illegible].

Q April 3d? A No, it was April, it wasn't '65, there is two years [illegible].

Q Well, what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you, what was it? A I know there is two years and some months.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you want to say? A I told you about [illegible] as near the truth as I can tell you. If he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q How old was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the Bible.

Q Outside of these two you have been talking about, you don't give the dates when the dates of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the other? Do you know what years they were born in? A My oldest child was born the 6th of August.

Q What year? A I will tell you in a minute, if you want hurry me; '67, the birth of my oldest child, it is dead, she was born August 26 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Mm, Delilah?

Q Yes: when did you first know her with reference to the time the child was born, the one that was born in '67? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war, you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long thought? A They came there in the spring as I told you might in planting time because they came to our house to speak for some potatoes to plant, that was his first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the territory.

Q How long was that? A Well, as I told you, they came the year, or the year after that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother; she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, was.

Q. You moved away in '67, and [illegible] when she came there, is that correct? A. She was [illegible] when she came there.

Q. Now what was it you said about being a young woman when she went away? A. [illegible] was a mother, she must have been a woman, she had that child before she moved away.

Q. Was she? A. Yes, had that child living right up there where they lived all the time [illegible].

Q. About how many years old do you think she was when they came there about the time the war closed? A. Well, she might have been 20, 21, somewhere along there.

Q. You think she was as much as 10? A. I can't say, it is just guess work; of course she might have been more than that.

Q. How old did she appear to be when she had this child, was she a young woman? A. She was old enough to be a mother, I can't tell you anything about that.

Q. Did she look like she was a fully developed and matured woman? A. She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A. Well, she had it, because I was with her when the child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A. Daniel Rowe.

Q. You say she lived in Kansas with him in the winter of '67? A. No, it was '67 when they left.

Q. Maybe it was the winter of '66 then? A. No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q. You said that he came down before Mr. Davis, one time; you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A. Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q. You say now that David moved before Rowe, do you? A. Of course he did.

Q. How long before? A. Well, I can't tell you how long.

Q. Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A. I said that is what I thought, I wouldn't be positive.

Q. Sometime during the winter? A. Yes, the fall.

Q. You don't know whether it was the first part or the last part? A. No, I can't say for certain.

Q. Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A. That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q. What time was the child born? A. The child was born seems to me the latter part of the winter or spring.

Q. Latter part of the winter or spring of what? '66? A. No, the year after he moved down.

Q. I am talking about that child that you say could walk? A. That is my child.

Q. That is what I am talking about? A. Didn't I tell you all the time he was down to see.

Q. What month? A. The 24th of June, 1866.

Q. How old does a child have to be up there before it is old enough to walk? A. They generally walk sometimes inside of a year, I would give a child a year; I told you in plain words the child was born on June 24, 1866, and if he would walk, would make it throw him into '67, I told you that Mr. Davis moved down first and wrote to Mr. Rowe

a letter when he was living there and Mr. Rowe brought the letter to my husband to read it, he couldn't read writing and my husband could.

Q. That is the first you have said about a letter since you have been under examination in this case? A. Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A. No, I guess not, Mr. Rowe took it with him.

Commissioner: Are you married? A. Not now, my husband is dead.

Q. Live on a farm? A. Yes, sir.

Q. Always lived on a farm? A. Been living there since '62.

Q. On the same place you are living now? A. Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-749, D-750, D-752, D-537, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce Jones

Sworn to and subscribed before me this the 28th of October, 1901.

Commissioner.

Cherokee Freedmen D-755.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sophia Whitmire as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on June 18, 1901, Sophia Whitmire appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee freedman. Proceedings had at Nowata, Indian Territory, in the matter of the application of Delilah Rowe et al., for enrollment as Cherokee freedmen, on June 18, 1901, and at Vinita, Indian Territory, on October 14, 1901, are filed with and made a part of the record herein.

The evidence shows that Sophia Whitmire was born subsequent to 1866 and is the daughter of one Delilah Rowe, who was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Nesse Whitmire trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. Sophia Whitmire could acquire no rights not possessed by her said mother. Her said mother cannot be identified upon the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sophia Whitmire as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Proctor
Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this APR 20 1904

Cherokee Freedman R 371.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ORDER.

It appears from the Commission's records that on May 17, 1902, William Whitmire appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of his wife, Sophia Whitmire, as a Cherokee freedman, and that said Sophia Whitmire was at that time listed for enrollment on Cherokee Freedmen card No. R 84.

It further appears that on June 18, 1901, the applicant, Sophia Whitmire, appeared in person before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself as a Cherokee freedman, and that she was listed for enrollment on Cherokee Freedmen card No. R 753.

It further appears that on April 20, 1904, the Commission rendered a decision in the last mentioned case, rejecting the applicant, Sophia Whitmire, which decision was affirmed by the Secretary of the Interior on June 1, 1904, and the applicant in that case has been transferred to Cherokee Freedmen card No. R 371.

It is, therefore, ordered that the card and jacket in Cherokee Freedmen case No. R 84 be cancelled and that the papers in that case be transferred to and filed with the papers in Cherokee Freedmen case No. R 371, together with copies of this order.

Muskogee, Indian Territory,
June 23, 1904.

Commissioner.

Clerk's Office
FILED
MAR 28 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Sophia Whitmire,
Wimer, I . T.
Cherokee F-D-753
Register.

[illegible]

[illegible]

Muskogee, [illegible], May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sophia Whitmire as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

[illegible]

Through the

Commissioner of Indian Affairs.

Chairman.

Ind. D-83.

COPY.

Cherokee Freedmen
D-703.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, rejecting the application for the enrollment of Sophia Whitmire as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Enc. D-62.

Chairman.

COPY.

Cherokee Freedmen
D-761.

Muskogee, Indian Territory, May 3, 1904.

Sophia Whitmire,

Vinar, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee Freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Register

Enc. D-61

Refer in reply to
the following:

LAND
30865-1904

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, May 23, 1904.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to inclose, herewith, a report from the Commission to the Five Civilized Tribes dated May 9, 1904, transmitting the record of the application of Sophia Whitetree for enrollment as a Cherokee freedman.

April 30, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the claimant was born in 1863 and is the daughter of Soldier Rose. She was the slave of a Cherokee citizen at the commencement of the war of the rebellion and was taken out of the Cherokee Nation during the war and did not return thereto up to or before February 11, 1867. The claimant could acquire no rights not possessed by her mother, the said Soldier Rose. The name of Soldier Rose is not found on the legal authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

JMM

G

E'S 12203-1904 COPY W.C.R.

I.T.D. 1234-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON, PHB

June 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for enrollment of Sophia Whitaire as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee Nation
P. O. Box

Muskogee, Indian Territory, June 1, 1904.

Hayden Commission,

Muskogee, Indian Territory.

Gentlemen:

We are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 1, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 783

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Sophia Whitmire as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 1, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
2 3/1

Muskogee, Indian Territory, May 28, 1906

Sophia Whitmire,

Vinar, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed September 7, 1905, by your attorneys for review in your Cherokee Freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R 440 et al.

Muskogee, Indian Territory, May 28, 1906

Kelly, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
[illegible] et al.

Muskogee, Indian Territory, May [illegible], 1906

Blue & Dalger,

Attorneys for Joseph Brown et al.
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMB

Commissioner

Encl. B-93

Cher Fr R 372

See Cher Fr R 374

Cher Fr R 372

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY [illegible] 1898.

In the matter of the application for enrollment as a freedman of Willie Davis.

Willie Davis, being duly sworn, upon a examination by Kinney, that is your name? A - Willie Davis.

Q - How old are you? A - [illegible]

Q - What is your post office address? A - Coweta.

Q - Where do you live?

A - I live in the Creek Nation [illegible]

Q - How long have you been living in the Creek Nation?

A - Ever since I can remember.

Q - Have you lived outside the Nation during the past five years? A - No, sir.

Q - To which district do you belong? A - Coweta.

Q - Is your name found on the roll of 1890? A - No, sir.

Q - Have you a claim? A - No, sir.

Q - What was your father's name? A - Cowtom Davis.

Q - Is he living or dead? A - Living.

Q - Is he a citizen freedman? A - No, sir; Seminole.

Q - In which band does he belong? A - I don't know sir.

Q - What was your mother's maiden name? A - I don't know, sir.

Q - What was your mother's name? A - Pookay Davis.

Q - Is she living or dead? A - She is living.

Q - Is she a freedman freedman? A - Yes, sir.

WILLIE D

COMPARED WITH THE ORIGINAL RECORD

[illegible]

[illegible] Indian,

[illegible], 1906.

In the matter of the application for enrollment as a Cherokee [illegible]

[illegible]

Sallie Bear, being [illegible], testified as follows:

Mr. Kidgo: What is your name? A - Sallie Bear.

Q - How old are you? A - [illegible].

Q - What is your post office address? A - Gaston.

Q - Where do you live?

A - I live in the Creek Nation near Gaston.

Q - How long have you been living in the Creek Nation?

A - Ever since I was raised here.

Q - Have you lived outside the territory during the past twenty years? A - No, sir.

Q - To which district do you belong? A - Beaver Creek.

Q - Is your name found on the roll of 1880? A - No, sir.

Q - Were you a slave? A - No, sir.

Q - What was your father's name? A - George Bear.

Q - Is he living or dead? A - Living.

Q - Is he a Cherokee citizen? A - No, sir, Seminole.

Q - To which band does he belong? A - I don't know, sir.

Q - Who was your father's mother? A - I don't know, sir.

Q - What was your mother's name? A - Dalsey Bear.

Q - Is she living or dead? A - She is living.

Q - Is she a Cherokee citizen? A - Yes, sir.

Q - Who was your mother's mother? A - Polly Arnold.

Q - Are you married? A - Yes, sir.

Q - What is the name of your wife? A - Charlotte Bear.

Q - Is she a Cherokee? A - No, sir.

Q - Belong to any of the five tribes? A - She is a Creek.

Your enrollment is refused for the reason that your name is not found on the unauthenticated Guardians Roll of 1880.

WAY 11 1906
DEPARTMENT OF THE INTERIOR
DEPARTMENT OF THE INTERIOR
Department of the Interior
Commission to the Five Civilized Tribes
I hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the Commissioner to the Five Civilized Tribes.
Witness my hand this 11th day of May, 1906.
Commissioner.

F 10876

FILED

MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1900

ACTING CHAIRMAN.

R. 20

Statement of Applicant Taken Under Oath.

CHEROKEE FREEDMEN.

Date 5/11 1900.

Name Cully Rowe. age 28

District Coo. Okoska P.O. Year Page No.

Mother's citizenship Cherokee freedman Peggy Rowe living

Married? yes.

License Certificate

Wife's name Charlotte Creek

District Year Page No.

Mother's citizenship

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

No, sir.

KATIE VANN, the witness, recalled:

By Mr. Hastings:

Q. Where were you living in 1866? A. On Grand River, at Martha Vann's place, Dave Vann's mother.

Q. You saw this woman at Fort Gibson? A. Yes, sir. went down there to draw rations.

Q. And she was there to draw rations? A. I don't know what she was there. I was there after something to eat myself.

Commissioner Needles. Peggie Archer Rowe applies for the enrollment of herself and four children, Dinah, Katie, Annie and Ruthie. She also applies for the enrollment of her two grandchildren, Clarence Simmons and Rogers Neat, and avers that they are the children of her daughter, Katie, for whom she applies. She also applies for her grandchild, Agnes Porter, whom she avers is the daughter of her child Dinah. The name of the applicant and none of her children are found upon any of the rolls in the possession of the commission, the rolls have been duly examined and their names cannot be found. She avers that she resides in the Creek Nation and has resided there ever since '66 and that her husband, George Rowe, is a Seminole citizen; and avers that she was taken to Texas before the war between the United States and the Confederacy, and returned in 1866. Reference is made to her testimony. From the fact that her name does not appear upon any of the rolls of the Cherokee Nation, said Peggie Archer Rowe and her children and grandchildren, as enumerated herein, will be listed for enrollment as the Commission finds upon a doubtful card, awaiting further consideration upon application. It will be necessary for her to [illegible] children

File with Cully Rowe, C.T. R-696.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10th, 1901.

In the matter of the application of Peggie Archer Rowe for the enrollment of herself, her four children and three grandchildren as Cherokee Freedmen, said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Peggie Rowe Archer.
Q How old are you? A 53.
Q What is your postoffice? A Chelsea.
Q What district do you live in? A I live in the Creek Nation.
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir, this is my place.
Q Well, did you ever apply to be enrolled in the Creek Nation?
A No, sir.
Q Never did? A Never has.
Q What part of the Creek Nation do you live in? A In Concharta District.
Q Do you apply to be enrolled as a Cherokee Freedman yourself?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got? A Six.
Q Is your name Rowe? A Yes, sir.
Q I thought you said it was Peggie Rowe Archer? A Peggie Archer Rowe.
Q Dinah one of them? A Yes, sir.
Q Dinah about 20? A Yes, sir.
Q Katie the next one? A Yes, sir.
Q How old is she, about 18? A I think she is that; I don't know.
Q What is the next child, Annie? A Annie.
Q She is about 16 is she? A Yes, sir.
Q What is the next one's name? A Ruthie.
Q She is about 15? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be on the Clifton roll.
Q Has Katie got some children? A Yes, sir.
Q Is she married? A No, sir.
Q How many children has Katie got? A Two.
Q What are their names? A Clarence and Rogers.
Q How old is Clarence? A I think Clarence is going on five years old.
Q How old is Rogers? A Rogers is about 4; Dinah has got one.
Q What is its name? A Agnes Porter.
Q How old is Agnes? A About five years old.
Q Now, Agnes is Dinahs child is she? A Yes, sir.
Q What is Clarence's name? A Clarence Simmons.
Q Well, what is Rogers' name? A Rogers Wheat.
Q Well, have any of these other children been fooling around?
A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicants' names not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Q Did you draw the Kern-Clifton money? A No, sir, I didn't draw.
Q Did you draw for any of these children? A No, sir.
Q Well, did you draw the Wallace money? A No, sir.
Q Your name then is not on any of the rolls of the Cherokee Nation?
A No, sir, I don't guess so.

Q You didn't draw for any of these children? A I went to Mr. Kern and Clifton and they said they put my name down.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Mrs. Archer.
Q Polly Archer? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Is she living? A Yes, sir.
Q Well, where were you born? A Born in Saline District.
Q Well, did you go out of the Cherokee Nation during the war?
A Just a while before the war.
Q Where to? A Texas.
Q Well, when did you come back to the Cherokee Nation? A Come back when they said the treaty was made, '65.
Q What were you doing out of the Cherokee Nation in Texas before the war? A Working.
Q Did you run away from your Master? A No, sir, didn't have to run away.
Q Well, did your Master let you go to Texas, you were a slave weren't you? A My Mistress sent me to Texas just a little before the war.
Q Your Mistress sent you to Texas before the war? A Yes, sir.
Q Who with? A Clarinda Vann, her sister.
Q Your Mistress' sister? A Yes, sir.
Q Did she go to Texas? A Yes, sir.
Q You were sold down there wasn't you? A No, sir; dat paper told you I was not sold. She told me that if I wanted her to do any more to write to her.
Q You never drew any money from the Cherokee Nation at all, you nor your children? A No, sir.
Q Have you got any witnesses here? A Yes, sir, Katie and Johnson Vann.

KATIE VANN, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q Your name is Katie Vann? A Yes, sir.
Q What is your age, Mrs. Vann? A 58.
Q Your postoffice? A Lenapah.
Q Do you know the applicant here, Peggie Archer Rowe? A Yes, sir.
Q How long have you known her? A Never since she was a little girl.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Mrs. Polly Archer.
Q Well, do you know whether she was out of the country at any time?
A Yes sir, she went to Texas, she was taken.
Q When did she return? A '65.
Q Has she been living hereever since? A She didn't live in this Nation, she has been living in the Creek Nation.
Q She had been living in the Creek Nation ever since? A She has been living at Fort Gibson; I saw her there in '65 when I went there to draw rations.
Q She was taken to the State of Texas before the war? A Yes, sir.
Q How did that happen? A Her Mistress' sister went to Texas and she hired her from Mrs. Archer and taken her over there and after peace was declared she come back.
Q Did her Mistress' sister live in Texas? A She was there before the war.
Q And she hired this woman and took her down there? A Yes sir.

PEGGIE ARCHER ROWE, the applicant, recalled:
Q Are you married? A Yes, sir.
Q What is your husband's name? A George Rowe.

Q Is he a Cherokee? A No, sir, he is a Seminole-Creek.
Q When did you marry him? A Married him just a little before left Texas.
Q Married in Texas? A Yes, sir.
Q Have you been living with him ever since? A Yes, sir.
Q Been living down in the Creek and Seminole Nation? A Yes, sir.
Q Out in Oklahoma? A Yes, sir.

By W. W. Hastings, Cherokee Representative:

Q What is your oldest child's name? A Cully.
Q And how old is Cully? A You will have to call him in here and swear to his own age, I can't tell anything about his age.
Q This is his age here on this paper? A Yes, sir.
Q Who made out this paper, him? A Yes, sir.
Q His age is put down here as 30 years of age? A Yes, sir.
Q He was born down in Texas was he? A He was born here.
Q You were married in Texas you said? A Yes, sir, but didn't have any children until I got here.
Q That is the first child you had? A Yes, sir.
Q Well, about how long after you came up here was Cully born, the next year? A Yes, sir.
Q Did you ever see Aunt Katie Vann here? A Yes sir.
Q Where did you see her? A Down there to Gibson.
Q Who were you living with over there? A I don't know who she was living with.
Q Who were you living with over there? A Over to Creek Nation?
Q Yes. A Living with my brother-in-law.
Q You never lived in the Cherokee Nation since the war? A No, sir.
Q Never have? A No, sir.
Q You never saw Katie Vann in the Cherokee Nation here did you?
A Yes, sir. I have been up and down.
Q Over there on a visit? A Yes, sir, stayed two months with her.
Q Where was she living when you stayed two months with her?
A Over at Mrs. McNaiva.
Q That is the first time you ever saw her after the war was it?
A Yes, sir.
Q Where did you ever see her after the war, Auntie, honest, be right? A Why tell you honest and you wont believe me; if I go to work and tell you a lie you will believe me.
Q I want you to tell me when you saw her first? A I saw her at Gibson.
Q Did you have Cully with you? A No, sir; how could I have Cully with me.
Q Wasn't both was he? A No, sir.
Q Auntie, who did you come back up here with? A From Texas?
A Yes. A Old man John Rowe brought us all here.
Q John Rowe? A Yes, sir.
Q What kin is he to you? A He is a cousin of mine and belonged to Rowe.
Q Did John come over to Fort Gibson? A Yes, sir, we come through there.
Q Did you come along with any Cherokees? A No, sir, we come ourselves.
Q That woman you went to Texas with, Clarinda Vann, she was named Clarinda Somers, wasn't she? A Yes, sir.
Q You know the boy Joe don't you? A Yes, sir.
Q You know when you left there? A No, sir, he don't.
Q You nursed him down there didn't you? A Yes, sir.
Q Well, now, about how old was he when you left?
A I don't know. I can't tell you something I don't know.
Q His mother died in Texas? A His mother died in Texas.
Q Joe Somer's mother died, she? A Died here.
Q Did you come back after the war? A Yes, sir.

Q Did Joe have any other brothers or sisters? A Yes, sir; had one brother Gull and Annie.

Q Were they older or younger than Joe? A Joe was the baby boy.

Q They are living in Texas yet aren't they? A They are dead.

Q How long after you came back until you saw Mrs. Archer after the war? A Saw her two or three times.

Q Well, how many years after the war? A I never saw her until the year I went to get these affidavits made out.

Q You never saw her until then did you? A No, sir.

Q I believe you states that you never have lived in the Cherokee Nation; you have lived in the Creek Nation ever since the war?

A Of course I have; I wasn't going to tell any lie.

Q Where was Cullie born? A Cullie was born in Concharte.

Q How long had you been there? A I don't know.

Q First year after you came up there? A I don't know; I have been there ever since.

Q I want to know how long you were down to Concharte after the war?

A I don't know.

Q But he was your first child? A Yes, sir.

Q And you were married in Texas? A Yes, sir.

Q How far did you live from that woman, from Katie Vann, the witness? A Lived right close together, Katie Vann is my uncle's wife

Q Where was this woman, Katie Vann, living when you came back here

A I don't know where she was living, in Gibson I reckon; don't know whether she was staying there or what, she was there; didn't stay there long enough to know anything.

Q You didn't? A No, sir.

Q Just come over there on a visit? A No, I was going over in the Creek Nation.

Q Well how long before the war was it; you went to Texas in '47?

A Itwas justa little before the war.

Q Well, about how many years? A I don't know, maybe not a year.

Q That is your best judgment is it? A That is all I can judge.

Q Did you ever see Mrs. Archer after that? A While I was in Texas

Q Yes. A No, sir, I seen her daughter's there, Lou and Mary Archer.

By Com'r Needles:

Q Now, Peggie, is your husband living? A Yes, sir.

Q He is living over in the Creek Nation? A Yes, sir.

Q Did these children of yours ever draw any Creek money?

A No, sir.

Q Ever been enrolled over there as Creeks? A No, sir, Creeks don't recognize the Cherokee people over there; they recognize them as Cherokee citizens; never did draw, never tried to.

Q Did your husband draw Creek money? A He draws Seminole money; he is a Seminole.

Q But he lives in the Creek Nation? A He lives in the Creek Nation.

Q Got a farm over there in the Creek Nation? A Yes, sir.

Q How many acres? A I can't tell you.

Q Yourhusband is named Howe is it? A Yes, sir.

Q What is his first name? A George.

By Mr. Hastings:

Q What is your postoffice? A Okmulgee.

Q That has been your postoffice all the time? A Yes, sir.

Q You didn't have any witnesses before the Kern-Clifton Commission?

A No, sir; you told me you didn't want Tom Archer to go in there any more; I told you Tom Archer was my witness; I want to tell you what you said; you was the one that would not call my witnesses, you would not have him in there.

By Com'r Needles:

Q Have you got anybody tending to your case for you?

-9-

A. No, sir.

KATIE VANN, the witness, recalled:

By Mr. Hastings:

Q. Where were you living in 1866? A. On Grand River, at Martha Vann's place, Dave Vann's mother.

Q. You saw this woman at Fort Gibson? A. Yes, sir. Went down there to draw rations.

Q. And she was there to draw rations? A. I don't know what she was there. I was there after something to eat myself.

Com'r Needles. Peggie Archer Rowe applies for the enrollment of herself and four children, Dinah, Katie, Annie and Ruthie. She also applies for the enrollment of her two grandchildren, Clarence Simmons and Rogers Wheat, and avers that they are the children of her daughter, Katie, for whom she applies. She also applies for her grandchild, Agnes Porter, whom she avers is the daughter of her child Dinah. The name of the applicant and none of her children are found upon any of the rolls in the possession of the Commission, the rolls have been duly examined and their names cannot be found. She avers that she resides in the Creek Nation and has resided there ever since '66 and that her husband, George Rowe, is a Seminole citizen; and avers that she was taken to Texas before the war between the United States and the Confederacy, and returned in 1866. Reference is made to her testimony. From the fact that her name does not appear upon any of the rolls of the Cherokee Nation, said Peggie Archer Rowe and her children and grandchildren, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. It will be necessary for her to make satisfactory proof of the birth of her said children and grandchildren, they not being identified upon any of the rolls; blank affidavits for that purpose will be furnished.

J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. C. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.

Signed, T. B. Needles,
Commissioner.

* * * * * * * * * * * * * * * * * * * *

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this 30th of July, 1901.

M S Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 27, 1901.

In the matter of the application of Gully Rowe for enrollment as a Cherokee Freedman.

Gully Rowe, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Gully Rowe.
Q How old are you? A 30 years old.
Q What is your postoffice address? A Okmulgee.
Q What district do you live in? A I live in the Creek Nation.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Not anyone.
Q Is your name on the roll of 1880? A No, sir.
Q What is your father's name? A George Rowe.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Peggy Rowe.
Q Is she living? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Charlotte Rowe.
Q Have you any children? A Yes, sir.
Q You apply for the enrollment of them? A No, sir.
Q Has your wife been listed for enrollment? A Yes, sir, in the Creek Nation.
Q Your wife and children are Creeks? A Yes, sir.
Q Where were you born? A In the Creek Nation.
Q You lived in the Creek Nation all your life? A Yes, sir.
Q You say your name is not on the roll of 1880? A No, sir.
Q Is your father's or mother's name on the roll of 1880?
A No, sir; my mother applied to Chelsea.
Q You claim your citizenship through your mother? A Yes, sir.
Q Did you ever apply for citizenship in the Creek Nation? A No, sir.
Q Did your mother? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A No, sir.
Q Peggy Rowe is your mother? A Yes, sir.
Mr. W.W.Hastings, Cherokee attorney: You have lived with your mother down there? A Yes, sir.
Q You live with her yet? A No, sir.
Commissioner: Do you live in the Creek Nation? A Yes, sir.
Q Married there and raised your family there? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A No, sir, not as I know of.
Q Never drew any money in the Cherokee Nation? A No, sir.

The rolls of Cherokee Freedmen in the possession of the Commission examined and the applicant not identified on any roll.

Commissioner: Gully Rowe applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he is the son of Peggy Rowe. He avers that he was born in the Creek Nation, has lived there all his life time, and is living there at this time; that he married and raised a family there. He applied for Cherokee citizenship through his mother, Peggy A., who is listed for enrollment on D card 646. The testimony taken in the matter of the enrollment of Peggy A. Rowe, D card 646, will now be made part of the record in the case at bar, and a copy of the testimony filed herewith. Said Gully Rowe will be listed for enrollment as a Cherokee Freedman upon a doubtful card to await further consideration of the Commission. He will be notified by mail of the action

Emily Rowe - 8.

of the [illegible] in the premises.

Q. Your father was a drunk, [illegible] broken attorney? [illegible] a Seminole.

Q. Are you on the Seminole roll? A. No, sir.

Q. Did you ever draw any Seminole money? A. No, sir.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of May, 1921.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
JUN 27 1901
Acting Chairman

CHARDOREE LEEDONEN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 27 1901

Post Office Choska I.T.

District Creek Nation

1. Name Cullie Rowe Age 30

Owner's name Citizenship

Year Page No. District

Parents:

Father Ges. Rowe - living Citizenship

Mother Peggy " - living Citizenship Ches Freedmen

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Doubtful

Application made by No. 1 Stenographer E.C. Jones

X Ref. D. 646

Commissioner: Who took Peggy Rose to Texas? A. Mrs. Bammerd

Q. Clarinda Bammerd? A. Yes, sir.

Q. Who owned her? A. She lived with my family then.

Q. Was she owned by your family? A. Yes.

Q. And did your family go to Texas at the same time? A. No, they never moved back to Texas.

Q. If she was owned by your family, how did she get into Texas?

A. She went with my sister.

Q. And your family hire her to your sister? A. No, we just let them

Q. You are a Cherokee citizen? A. Yes, sir.

Q. [illegible] been? A. Yes, sir.

Q. When you owned Peggy Rose when she went to Texas with Clarinda?

A. Yes, sir.

Q. You owned her then at the time of the emancipation then?

A. Yes, sir; I guess it would be considered so.

Q. When did Peggy come back from Texas? A. I don't know when she came back. I never [illegible] her any more till about two years ago.

Q. [illegible] she has been living there from '66 to the [illegible] year? A. Yes, sir, she said she was living in the Creek Nation.

Q. [illegible] belong to your family and you are a Cherokee citizen?

A. [illegible]

Q. [illegible] belong to your family at the time of the emancipation?

A. Yes, sir.

Q. [illegible] a member of this family? A. Yes, sir.

Q. [illegible] to Texas and was a Cherokee citizen

A. Yes, sir.

Q. [illegible] and in family [illegible], she has to be recognized?

A. Yes, sir.

Q. [illegible] the branch of your family did Peggy belong to?

A. [illegible] and it belonged the same.

Commissioner to Applicant: You want to ask Mrs. Bammerd [illegible]? A. Yes, sir.

Commissioner: This testimony will be made part of the record in Freedman cases D-804 and D-999.

****

George C. Rogers, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 8th of October, 1901.

[illegible]

File with Cherokee Freedman D-[illegible], Only Note.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 6, [illegible].

In the matter of the application of Frank A. Rowe, et al. for enrollment as Cherokee Freedmen.

Testimony produced on behalf of the Cherokee Nation.

Appearances:

Applicants present in person.
J. S. Davenport, of counsel for Cherokee Nation.

MARY P. ARCHER, being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible]: What is your name? A. Mary P. Archer.

Q. Where do you live, Mrs. Archer? A. Near Fort Gibson.

Q. How long have you lived in the Cherokee Nation? A. Well, I have lived in it always.

Q. What was your maiden name before you married? A. Vann.

Q. Had you a sister who married a man named Summers prior to the war? A. Yes, sir.

Q. What was her name? A. Her name was Clarinda.

Q. Was Clarinda Summers living in the Cherokee Nation when the war broke out? A. No, sir.

Q. Where was she living? A. Texas.

Q. Did she return to the Cherokee Nation after the war? A. A number of years after the war.

Q. About how long ago was it since she came back to the Cherokee Nation? A. Well I expect 15 years.

Q. Is she living or dead? A. She is dead.

Q. How long did she live after she returned to the Cherokee Nation? A. About six weeks, or eight.

Q. Do you know whether or not her family was admitted, or her children was readmitted after they came from Texas? A. Her son was.

Q. What is his name? A. Joe Summers.

Q. Do you know a colored woman here, the applicant here, who goes by the name of Peggy Rowe? A. I used to know her, know her before the war.

Q. Do you know whether or not she went with your sister to Texas when she moved to Texas prior to the war? A. Yes, sir, she went with her.

Q. Do you know where she was living when the war broke out? A. She was in Texas.

Q. When did the applicant return to the Cherokee Nation to live, if you know? A. I don't know.

Q. Do you know whether or not she has ever made her home here in the Cherokee Nation since she went to Texas with your sister? A. I think not.

Q. When did your sister go to Texas? I mean with reference to the war, how many years before the war? A. A number of years before the war, say ten.

Q. When did you first see the applicant after the war, about how many years ago? A. About two years ago.

Q. The applicant came to your house did she? A. Yes, sir.

Q. Had you have any conversation with her then with reference to where she was living when the war broke out? A. She was in Texas when the war broke out.

Q. Had you any conversation with her at the time she came to your house a few years ago, with reference to where she was then living?

A. It was in the Creek, or somewhere, it was in the Creek Nation, that is what I understood from her when she came.

Commissioner: Who took Peggy Rose to Texas? A. Mrs. [illegible]

Q. [illegible]? A. [illegible]

Q. Who owned her? A. [illegible]

Q. Was she owned by your [illegible]? A. [illegible]

Q. Had did your family go to Texas at the same time? A. No, they [illegible] to [illegible].

Q. If she was owned by your family, how did she get to Texas?

A. [illegible]

Q. Did your family hire her to your sister? A. No, we just let them go.

Q. You are a Cherokee citizen? A. Yes, sir.

Q. Always have been? A. Yes, sir.

Q. Then you owned Peggy Rose when she went to Texas with Clarinda?

A. Yes, sir.

Q. You owned her then at the time of the emancipation proclamation?

A. Yes, sir, I guess it would be considered so.

Q. When did Peggy come back from Texas? A. I don't know when she came back, I never knew her any more till about two years ago.

Q. You don't know where she has been living from 1865 to the present time? A. No, but she said she was living in the Creek Nation.

Q. But she belonged to your family and you are a Cherokee citizen?

A. Yes, sir.

Q. And she belonged to your family at the time of the emancipation proclamation? A. Yes, sir.

Mr. Davenport: Your sister was a member of this family? A. Yes, sir.

Q. And when she started to go to Texas she was a Cherokee citizen too? A. Yes, sir.

Q. When her and her family returned, she had to be readmitted?

A. Yes, sir.

Commissioner: What branch of your family did Peggy belong to?

A. She belonged to me before the war.

Commissioner to Applicant: You want to ask Mrs. Archer anything? A. No, sir.

Commissioner: This testimony will be made part of the record in Freedman case D-896 and D-897.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of October, 1901.

Tams Bixby

Commissioner.

Cherokee

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peggy A. Rowe, et al., as Cherokee Freedmen, consolidating the applications of--

Peggy A. Rowe, et al., Cherokee Freedmen D-645.
Gully Rowe, Cherokee Freedmen D-646.
Freeman Rowe, Cherokee Freedmen D-647.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Peggy A. Rowe for herself, her minor daughters, Dinah, Katie, Annie and Ethie Rowe and her minor grand-children, Clarence Simmons, Roger Wheat and Agnes Porter; by Gully Rowe for himself and by Freeman Rowe for himself.

The evidence in this case shows that Peggy A. Rowe was the slave of a Cherokee citizen at the commencement of the rebellion; that prior to the commencement of said rebellion she was taken out of the Cherokee Nation into the state of Texas, and that she did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 2, 1896, in the case of Reese Whitaire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that all the other applicants herein have been born since 1866 and are the children and grand-children of the said Peggy A. Rowe; that they have only such rights as may be possessed by the said Peggy A. Rowe.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Peggy A. Rowe, Dinah Rowe, Katie Rowe, Annie Rowe, Ethie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter, Gully Rowe and Freeman Rowe as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
APR 20 1904

Commissioner.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEBLETT.
ALLISON L. AYERSWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., June 4, 1900.

Sally Rowe,

Chouka, Indian Territory.

Dear Sir:

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900

Yours truly,

Acting Chairman.

Cherw. L.

AUG 23 1901
RECEIVED
COMMISSION TO THE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Muskogee, Indian Territory, August 19, 1901.

The Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your favor of the 16th instant, enclosing four copies of testimony in the matter of the application of Cully Rowe for enrollment as a Cherokee Freedman, whose name appears upon Cherokee Freedmen Card, Field No. D896.

You are advised that said applicant has never appeared before the Commission to the Five Civilized Tribes for enrollment as a Creek Freedman, and his name does not appear upon the tribal rolls of the Creek Nation, but

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKSBRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 19, 1901.

The Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your favor of the 16th instant, enclosing four copies of testimony in the matter of the application of Cully Rowe for enrollment as a Cherokee Freedman, whose name appears upon Cherokee Freedmen Card, Field No. D896.

You are advised that said applicant has never appeared before the Commission to the Five Civilized Tribes for enrollment as a Creek Freedman, and his name does not appear upon the tribal rolls of the Creek Nation.

Very respectfully,

Commissioner in Charge.

RBE.

FILED
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Gully, Rows,
Choska, I. T.
Cherokee-F-D-896.
Register.

COPY.

Cherokee Freedmen
D-646 et al.

Muskogee, Indian Territory, May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peggy A. Rowe et al., including the Commission's decision dated April 30, 1904, rejecting the applications for the enrollment of Peggy A., Dinah, Katie, Annie, Rathie, Gully and Freeman Rowe, Clarence Simmons, Roger Wheat and Agnes Porter as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-180.

COPY.

Cherokee Freedman
D-646 et al.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Peggy A. Rowe et al., rejecting the applications for the enrollment of Peggy A., Dinah, Katie, Annie and Ruthie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter, Gully and Freeman Rowe as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-179

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-896.

Muskogee, Indian Territory, May 5, 1904.

Edgar Smith,

Attorney for Gully Rowe,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Peggy A. Rowe et al., rejecting, among others, the application for the enrollment of Gully Rowe as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register

Enc. D-177.

COPY.

Cherokee Freedmen
D-896.

Muskogee, Indian Territory, May 5, 1904.

Cully Rowe,

Choska, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 6, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register

Enc. D-176.

Refer in reply
to the following
heading
Sixteen 1904

COPY.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 23, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated May 9, 1904, transmitting for your consideration the application of Peggy A. Rowe, et al, for enrollment as Cherokee freedmen.

April 20, 1904, the Commission rejected the applicants/.

An examination of the record of the evidence in the matter of said application shows, in substance, the following facts: That Peggy A. Rowe for herself and her minor daughters, Dinah, Katie, Annie, and Ruthie Rowe; and her minor grandchildren, Clarence, Simmons, Roger Theat and Agnes Peter; and by Cully Rowe for himself and by Freeman Rowe for himself, make application for enrollment.

The evidence in this case shows that Peggy A. Rowe was a slave of a Cherokee citizen at the commencement of the rebellion; that prior to the commencement of said rebellion she was taken out of the Cherokee Nation into the State of Texas, and that she did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1896,

In the case of Moses Whitmire [illegible] vs. Cherokee Nation for the return of Cherokee freedmen to [illegible].

It further appears that all other applicants herein have been born since 1866, and are the children and grandchildren of said Peggy A. Rogers that they have only such rights as are possessed by the old Peggy Rogers or their ancestors.

Further that none of said applicants appear on the 1880 authenticated Cherokee Roll.

For the reasons assigned by the Commission and from an examination of the several applicants and their witnesses, and those on the part of the Nation, it is recommended that the action of the Commission denying the application of Peggy A. Rogers, Minnie Rowe, Rifle Rowe, Anna Rowe, Ruthie Rogers, Clarence Summers, Bodger Wheat, Annie Porter, Cully Rowe and Freeman Rowe, be sustained and that they be denied enrollment.

Very respectfully,

Tams Bixby,

Acting Commissioner.

J. J. W.
C

[illegible]

May 27, 1924.

[illegible]

[illegible]

[illegible] the [illegible] in the [illegible]

[illegible]

[illegible]

[illegible] Cody and [illegible] Dan Cupid Simons, Moses Tuzzi and [illegible] Bartow.

Reverting to the matter of May 23, 1924, the Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Theo Lyon
Acting Secretary

1 inclosure.

Cherokee Freedmen
D 806

Muskogee, Indian Territory, June 7, 1904.

Edgar Smith,
Attorney for Dilly Bird,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, the application for the enrollment of Dilly Bird as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 896, et al

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Cully, Freeman, Peggy A., Dinah, Katie, Annie and Mathis Rowe, Clarence Simmons, Roger Wheat and Agnes Porter as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 996

Muskogee, Indian Territory, June 7, 1904.

Cully Rowe,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

FR 372

HGH

REFER IN REPLY TO THE FOLLOWING:
RF 302 and
318.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 1,1906.

Chief Clerk,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the names of Jess Rowe and Alice Rowe, children of Cullie Rowe, an alleged citizen of the Cherokee Nation, and Charlotte Rowe, a Creek Freedman, are contained in a partial schedule of new born freedmen (March 3, 1905) of the Creek Nation, approved by the Secretary of the Interior November 24, 1905, opposite roll numbers 324 and 338.

Respectfully,

Commissioner.

E 10896

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1901

Acting Chairman

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901 190:

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Lynn Boyer for enrollment as Cherokee freedman.

Mullen & Smith
Attys. for applicant

Cherokee freedman # D896

Chem [illegible]

See Chem [illegible] 394

A. No, sir.

KATIE VANN, the witness, recalled.

By Mr. Hastings:

Q. Where were you living in 1896? A. On Grand River, at Martha Vann's grandpa Dave Vann's father.

Q. You saw this woman at Grand Gibson? A. Yes, sir. Went down there to draw rations.

Q. And she was there to draw rations? A. I don't know what she was there. I was there after something to eat myself.

[illegible] Peggie Arnold now applies for the enrollment of herself and four children, Dinah, Katie, Annie, and [illegible]. She also applies for the enrollment of her two grandchildren, Clayathe Simons and Rogers Fleet, and avers that they are the minor children of her daughter, Katie, for whom she applies, and also applies for her granddaughter, Agnes Porter, whom she avers is the daughter of her child Dinah. The name of the applicant and none of her children are found upon any of the rolls in the possession of the Commission. The rolls have been duly examined and their names cannot be found. She avers that she resides in the Creek Nation and has resided there ever since '67 and that her husband, George Howe, is a Seminole citizen, and avers that she was taken to Texas before the war between the United States and the Confederacy, and returned in 1866. Reference is made to her testimony. From the fact that her name does not appear upon any of the rolls of the Cherokee Nation, said Peggie Howe and her children and grandchildren, as enumerated [illegible] to enroll them as Cherokee Freedmen upon a doubtful card, pending further consideration of the Commission. It will be necessary for her to make satisfactory proof of the birth of her said children and grandchildren, they not being identified upon any of the [illegible] will be furnished

File with Freedman Rowe, C.R. D-997.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10th, 1901.

In the matter of the application of Peggie Archer Rowe for the enrollment of herself, her four children and three grandchildren as Cherokee Freedmen, said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Peggie Rowe Archer.
Q How old are you? A 53.
Q What is your postoffice? A Chelsea.
Q What district do you live in? A I live in the Creek Nation.
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir, this is my place.
Q Well, did you ever apply to be enrolled in the Creek Nation?
A No, sir.
Q Never did? A Never has.
Q What part of the Creek Nation do you live in? A In the Deneharts District.
Q Do you apply to be enrolled as a Cherokee Freedman yourself?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got? A Six.
Q Is your name Rowe? A Yes, sir.
Q I thought you said it was Peggie Rowe Archer? A Peggie Archer Rowe.
Q Dinah one of them? A Yes, sir.
Q Dinah about 20? A Yes, sir.
Q Katie the next one? A Yes, sir.
Q How old is she, about 18? A I think she is that, I don't know.
Q What is the next child, name? A Annie.
Q She is about 16 is she? A Yes, sir.
Q What is the next one's name? A Ruthie.
Q She is about 13? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be on the Clifton roll.
Q Has Katie got some children? A Yes, sir.
Q Is she married? A No, sir.
Q How many children has Katie got? A Two.
Q What are their names? A Clarence and Rogers.
Q How old is Clarence? A I think Clarence is going on five years old.
Q How old is Rogers? A Rogers is about 2. Dinah has got one.
Q What is its name? A Agnes Porter.
Q How old is Agnes? A About five years old.
Q Now, Agnes is Dinah's child is she? A Yes, sir.
Q What is Clarence's name? A Clarence Simmons.
Q Well, what is Roger's name? A Rogers Wheat.
Q Well, have any of these other children been roaming around?
A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Q Did you draw the Kern-Clifton money? A No, sir. I didn't draw.
Q Did you draw for any of these children? A No, sir.
Q Well, did you draw the Wallace money? A No, sir.
Q Your name then is not on any of the rolls of the Cherokee Nation?
A No, sir. I don't think so.

Q You didn't draw for any of these children? A I went to Mr. Kern and Clifton and they said they put my name down.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Mrs. Archer.
Q Polly Archer? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Is she living? A Yes, sir.
Q Well, where were you born? A [illegible] District.
Q Well, did you go out of the Cherokee Nation during the war?
A Just a while before the war.
Q Where to? A Texas.
Q Well, when did you come back to the Cherokee Nation? A Come back when they said the treaty was made, '66.
Q What were you doing out of the Cherokee Nation in Texas before the war? A Working.
Q Did you run away from your Master? A No, sir, didn't have to run away.
Q Well, did your Master let you go to Texas, you were a slave weren't you? A My Mistress sent me to Texas just a little before the war.
Q Your Mistress sent youto Texas before the war? A Yes, sir.
Q Who with? A Clarinda Vann, her sister.
Q Your Mistress' sister? A Yes, sir.
Q Did she go to Texas? A Yes, sir.
Q You were sold down there wasn't you? A No, sir; dat paper said you I was not sold; she told me that if I wanted her to do any more to write to her.
Q You never drew any money from the Cherokee Nation at all, you nor your children? A No, sir.
Q Have you got any witnesses here? A Yes, sir. Kattie and Johnson Vann.

KATTIE VANN, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q Your name is Kattie Vann? A Yes, sir.
Q What is your age, Mrs. Vann? A 55.
Q Your postoffice? A Lenapah.
Q Do you know the applicant here, Peggie Archer Rowe? A Yes, sir.
Q How long have you known her? A Ever since she was a little girl.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Mrs. Polly Archer.
Q Well, do you know whether she was out of the country at any time?
A Yes, sir, she went to Texas, she was taken.
Q When did she return? A '66.
Q Has she been living here ever since? A She didn't live in this Nation, she has been living in the Creek Nation.
Q She has been living in the Creek Nation ever since? A She has been living at Fort Gibson. I saw her there in '88 when I went there to draw rations.
Q She was taken to the State of Texas before the war? A Yes, sir.
Q How did that happen? A Her Mistress' sister went to Texas and she hired her from Mrs. Archer and taken her over there and after peace was declared she come back.
Q Did her Mistress' sister live in Texas? A She was there before the war.
Q And she hired this woman and took her down there? A Yes, sir.

PEGGIE ARCHER ROWE, the Applicant, recalled:
Q Are you married? A Yes, sir.
Q What is your husband's name? A George Rowe.
Q Is he a Cherokee? A No, sir, he is a Seminole Creek.

Q When did you marry him? A Married him just a little before left Texas.

Q Married him in Texas? A Yes, sir.

Q Have you been living with him ever since? A Yes, sir.

Q Been living down in the Creek and Seminole Nation? A Yes, sir.

Q Out in Okmulgee? A Yes, sir.

By W. W. Hastings, Cherokee Representative:

Q What is your present child's name? A Cully

Q And how old is Cully? A You will have to call him in here and swear to his own age, I can't tell you anything about his age.

Q This is his age there on this paper? A Yes, sir.

Q Who made out this paper, you? A Yes, sir.

Q His age is put down here as 30 years of age? A Yes, sir.

Q He was born down in Texas was he? A He was born here.

Q You were married in Texas you said? A Yes, sir; but didn't have any children until I got here.

Q That is the first child you had? A Yes, sir.

Q Well about how long after you came up here was Cully born, the next year? A Yes, sir.

Q Did you ever see Aunt Katie Vann here? A Yes, sir.

Q Where did you see her? A Down here to Gibson.

QQ Who were you living with over there? A I don't know who she was living with.

Q Who were you living with over there? A Over in Creek Nation?

Q Yes. A Living with my brother-in-law.

Q You never lived in the Cherokee Nation since the war? A No, sir.

Q Never have? A No, sir.

Q You never saw Katie Vann in the Cherokee Nation here did you? A Yes, sir, I have been up and down.

Q Over there on a visit? A Yes, sir, stayed two months with her.

Q Where was she living when you stayed two months with her? A Over at Mrs. McNairs!

Q That is the first time you ever saw her after the war was it? A Yes, sir.

Q Where did you ever see her after the war, Auntie, honest, be right? A Why tell you honest and you wont believe me. If I go to work and tell you a lie you will believe me.

Q I want you to tell me when you saw her first? A I saw her at Gibson.

Q Did you have Cully with you? A No, sir; how would I have Cully with me.

Q Wasn't born was he? A No, sir.

Q Auntie, who did you come back up here with? A From Texas?

Q Yes. A Old man John Rowe brought us all here.

Q John Rowe? A Yes, sir.

Q What kin is he to you? A He is a cousin of mine and belonged to Dave.

Q Did John come over to Fort Gibson? A Yes, sir, we came through there.

Q Did you come along with any government? A No, sir, we came ourselves.

Q That woman you went to Texas with, Clarinda Vann, she was named Clarinda [illegible], wasn't she? A Yes, sir.

Q You know the boy Joe don't you? A Yes, sir.

Q Joe knows when you left there? A No, sir, he don't.

Q You nursed his mom there didn't you? A Yes, sir.

Q Well, now, about how old was he when you left?

A I don't know. I can't tell you something I don't know.

Q His mother died in Texas? A His mother died in Texas.

Q Joe Somers' mother didn't she? A Died there.

Q Did she come back after the war? A Yes, sir.

Q Did Joe have any other brothers or sisters? A Yes, sir, had

one brother Cull and Annie.

Q Were they older or younger than you? A Joe was the baby boy.

Q They are living in Texas yet aren't they? A They are dead.

Q How long after you came back until you saw Mrs. Archer after the war? A Saw her two or three times.

Q Well how many years after the war? A I never saw her until the year I went to get these affidavits made out.

Q You never saw her until then did you? A No, sir.

Q I believe you stated that you never have lived in the Cherokee Nation; you have lived in the Creek Nation ever since the war?

A Of course I have; I wasn't going to tell any lie.

Q Where was Cullie born? A Cullie was born in Concharty.

Q How long had you been there? A I don't know.

Q First year after you come up there? A I don't know; I have been there ever since.

Q I want to know how long you were down to Concharty after the war?

A I don't know.

Q But he was your first child? A Yes, sir.

Q And you were married in Texas? A Yes, sir.

Q How far did you live from that woman, from Katie Vann, the witness? A Lived right close together, Katie Vann is my uncle's wife.

Q Where was this woman, Katie Vann, living when you came back here

A I don't know where she was living, in Gibson I reckon. don't know whether she was staying there or what; she was there; didn't stay there long enough to know anything.

Q You didn't? A No, sir.

Q Just come over there on a visit? A No, I was going over in the Creek Nation.

Q Well how long before the war was it; you went to Texas in '47?

A It was just a little before the war.

Q Well, about how many years? A I don't know, maybe not a year.

Q That is your best judgment is it? A That is all I can judge.

Q Did you ever see Mrs. Archer after that? A While I was in Texas?

Q Yes. A No, sir, I seen her daughter's there, Lou and Mary Archer

By Comr Needles:

Q Now, Peggie, is your husband living? A Yes, sir.

Q He is living over in the Creek Nation? A Yes, sir.

Q Did these children of yours ever draw any Creek money?

A No, sir.

Q Never been enrolled over there as Creeks? A No, sir, Creeks don't recognize the Cherokee people over there; they recognize them as Cherokee citizens; never did draw; never tried to.

Q Did your husband draw Creek money? A He draws Seminole money; he is a Seminole.

Q But he lives in the Creek Nation? A He lives in the Creek Nation.

Q Got a farm over there in the Creek Nation? A Yes, sir.

Q How many acres? A I can't tell you.

Q Your husband is named Rome is it? A Yes, sir.

Q What is his first name? A George.

By Mr. Hastings:

Q What is your postoffice? A Okmulgee.

Q That has been your postoffice all the time? A Yes, sir.

Q You didn't have any witnesses before the Kern-Clifton Commission?

A No, sir; you told me you didn't want Tom Archer to go in there any more; I told you Tom Archer was my witness; I want to tell you what you said; you was the one that would not call my witnesses, you would not have him in there.

By Com'r Needles:

Q Have you got anybody living to come here for you?

A. No, sir.

KATIE VANN, the witness, recalled.
By Mr. Hastings:

Q. Where were you living in 1886? A. On Grand River, at Martha Vann's place, Dave Vann's mother.

Q. You saw this woman at Fort Gibson? A. Yes, sir. Went down there to draw rations.

Q. And she was there to draw rations? A. I don't know what she was there. I was there after something to eat myself.

Con't Needles: Peggie Archer Rowe applies for the enrollment of herself and four children, Dinah, Katie, Annie, and Ruthie. She also applies for the enrollment of her two grandchildren, Clarabee Simmons and Rogers Wheat, and avers that they are the [illegible] children of her daughter, Katie, for whom she applies. She also applies for her grandchild, Agnes Porter, who she avers is the daughter of her child Dinah. The name of the applicant and none of her children are found upon any of the rolls in the possession of the Commission, the rolls have been duly examined and their names cannot be found. She avers that she resides in the Creek Nation and has resided there ever since '66 and that her husband, George Rowe, is a Seminole citizen; and avers that she was taken to Texas before the war between the United States and the Confederacy, and returned in 1866. Reference is made to her testimony. From the fact that her name does not appear upon any of the rolls of the Cherokee Nation, said Peggie Archer Rowe and her children and grandchildren, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. It will be necessary for her to make satisfactory proof of the birth of her said children and grandchildren, they not being identified upon any of the rolls; blank affidavits for that purpose will be furnished.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,

Subscribed and sworn to before me this 21st day of June, 1901.

Signed, T. B. Needles,
Commissioner.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 30th of July, 1901.

M. D. Green,
~~Commissioner.~~
Notary Public

JUL 13 1906
FILED
COMMISSION TO THE MAS CANTESE INDIES
DEPARTAMENTO DE LAS INDIAS

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 27, 1901.

In the matter of the application of Freeman Rowe for enrollment as a Cherokee Freedman.

Freeman Rowe, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Freeman Rowe.
Q How old are you? A 25.
Q What is your postoffice address? A Choska.
Q What district do you live in? A The Creek Nation.
Q Your district is in the Creek Nation? A Yes, sir.
Q Choska in the Creek Nation? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q What is your fathers name? A George Rowe.
Q What is your mother's name? A Peggy Rowe.
Q Are you married? A No, sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q Where were you born? A I don't know, Creek Nation I guess.
Q Have you lived in the Creek Nation all your life? A Yes, sir.
Q Living there now? A Yes, sir.
Q Is your name on the rolls of the Creek Nation? A No, sir.
Q Every draw any Creek money? A No, sir.
Q Did you ever draw any Cherokee money? A No, sir, I applied before the Kern-Clifton and didn't get it.
Q Between the Creek and Cherokee Nations you didn't get any?
A No, sir, I never applied in the Creek Nation.
Q Your father a Seminole? A Yes, sir.
Q How long has your father been dead? A He isn't dead, he is living now.
Q Where is he living? A In the Creek Nation.
Q Your mother living in the Creek Nation? A Yes, sir.

The rolls of Cherokee Freedmen in the possession of this Commission examined and the applicant not identified on any roll.

Commissioner: Freeman Rowe applies for the enrollment of himself. His name cannot be found upon any of the rolls of the Cherokee Nation. He avers that he was born and raised in the Creek Nation, that his father was a Seminole and his mother a Cherokee. He claims citizenship through his mother, Peggy A. Rowe, who is listed for enrollment on D card 846, and the testimony taken in the matter of the application of the said Peggy A. Rowe will be made part of the testimony in the case at bar and a copy thereof filed herewith. Said Freeman Rowe will be listed for enrollment upon a doubtful card.

****

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 10th day of July, 1901.

Commissioner.

30897

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 27 1901

Post Office Okmulgee I.T.

District Creek Nation

1. Name Freeman Rowe Age 23

Owner's name Citizenship

Year Page No. District

Parents:

Father Geo Rowe — living Citizenship Seminole — Freed

Mother Peggy — living Citizenship [illegible]

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by his Stenographer A. C. Jones

Doubtful

Ref D. 646

NATD 897

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of ....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A.D. 1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

.....
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 23 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Wilman Rowe for enrollment as a Cherokee citizen:

Case No. D 527

To Wilman Rowe Cheoka I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on Oct. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell

N. W. Hastings

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Freeman Rowe for enrollment as a Cherokee Freedman.

No. F. D. 897

Henry Pack, of lawful age, being duly sworn on oath states that on the 18 day of September, A. D., 1901, he registered to Freeman Rowe whose postoffice is Choska Indian Territory, a notice, a true copy of which is attached to this affidavit, and he herete attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 23 day of September, 1901, he received the return card which is herete attached, signed by the said Freeman Rowe, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 23 day of Sept A. D. 1901.

J. E. Starr
Notary Public.

MY COMMISSION EXPIRES
NOV 20th 1902

File with Cherokee freedman D-697, Freeman Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Peggy A. Rowe, et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Applicant present in person.
J. S. Davenport, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A. Mary F. Archer.

Q. Where do you live, Mrs. Archer? A. Near Pryor Creek.

Q. How long have you lived in the Cherokee Nation? A. Well, I have lived in it always.

Q. What was your maiden name before you married? A. Vann.

Q. Had you a sister who married a man named Summer prior to the war? A. Yes, sir.

Q. What was her name? A. Her name was Clarinda.

Q. Was Clarinda Summers living in the Cherokee Nation when the war broke out? A. No, sir.

Q. Where was she living? A. Texas.

Q. Did she return to the Cherokee Nation after the war? A. A number of years after the war.

Q. About how long ago was it since she came back to the Cherokee Nation? A. Well I expect 15 years.

Q. Is she living or dead? A. She is dead.

Q. How long did she live after she returned to the Cherokee Nation? A. About six months, or eight.

Q. Do you know whether or not her family was admitted, or her children was readmitted after they came from Texas? A. Her son was.

Q. What is his name? A. Joe Summers.

Q. Do you know a colored woman here, the applicant here, who now goes by the name of Peggy Rowe? A. I used to know her, knew her before the war.

Q. Do you know whether or not she went with your sister to Texas when she moved to Texas prior to the war? A. Yes, sir, she went with her.

Q. Do you know where she was living when the war broke out? A. She was in Texas.

Q. When did the applicant return to the Cherokee Nation to live, if you know? A. I don't know.

Q. Do you know whether or not she has ever made her home here in the Cherokee Nation since she went to Texas with your sister? A. I think not.

Q. When did your sister go to Texas? I mean with reference to the war, how many years before the war? A. A number of years before the war, say ten.

Q. When did you first see the applicant after the war, about how many years ago? A. About two years ago.

Q. The applicant came to your house did she? A. Yes, sir.

Q. Did you have any conversation with her then with reference to where she was living when the war broke out? A. She was in Texas when the war broke out.

Q. Had you any conversation with her at the time she came to your house a few years ago, with reference to where she was then living? A. It was in the Creek, or somewhere, it was in the Creek Nation, that is what I understood from her when she came.

Commissioner: Who took Peggy Rowe to Texas? A Mrs. Summers.
Q Clarinda Summers? A Yes, sir.
Q Who owned her? A She lived with my family then.
Q Was she owned by your family? A Yes.
Q And did your family go to Texas at the same time? A No, they have never been to Texas.
Q If she was owned by your family, how did she get into Texas?
A She went with my sister.
Q Did your family hire her to your sister? A No, we just let them go.
Q You are a Cherokee citizen? A Yes, sir.
Q Always have been? A Yes, sir.
Q Then you owned Peggy Rowe when she went to Texas with Clarinda?
A Yes, sir.
Q You owned her then at the time of the emancipation then?
A Yes, sir, I guess it would be considered so.
Q When did Peggy come back from Texas? A I don't know when she come back, I never knew her any more till about two years ago.
Q You don't know where she has been living when from '66 to the present time? A No, but she said she was living in the Creek Nation.
Q But she belonged to your family and you are a Cherokee citizen?
A Yes, sir.
Q And she belonged to your family at the time of the emancipation proclamation? A Yes, sir.
Mr. Davenport: Your sister was a member of this family? A Yes, sir.
Q And when she started to go to Texas she was a Cherokee citizen too? A Yes, sir.
Q When her and her family returned, she had to be readmitted?
A Yes, sir.
Commissioner: What branch of your family did Peggy belong to?
A She belonged to me before the war.

Commissioner to Applicant: You want to ask Mrs. Archer anything? A No, sir.

Commissioner: This testimony will be made part of the record in Freedman case D-896 and D-897.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of October, 1901.

Tate Brackeen

Commissioner.

Cherokee

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peggy A. Rowe, et al., as Cherokee Freedmen, consolidating the applications of--

Peggy A. Rowe, et al., Cherokee Freedmen D-446.
Gully Rowe, Cherokee Freedmen D-446.
Freeman Rowe, Cherokee Freedmen D-447.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Peggy A. Rowe for herself, her minor daughters, Dinah, Katie, Annie and Ruthie Rowe and her minor grand-children, Clarence Simmons, Roger Wheat and Agnes Porter; by Gully Rowe for himself and by Freeman Rowe for himself.

The evidence in this case shows that Peggy A. Rowe was the slave of a Cherokee citizen at the commencement of the rebellion; that prior to the commencement of said rebellion she was taken out of the Cherokee Nation into the State of Texas, and that she did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Rosee Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that all the other applicants herein have been born since 1866 and are the children and grand-children of the said Peggy A. Rowe; that they have only such rights as may be possessed by the said Peggy A. Rowe.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Peggy A. Rowe, Dinah Rowe, Katie Rowe, Annie Rowe, Ruthie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter, Gully Rowe and Freeman Rowe as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED Tams Bixby.
Chairman.

SIGNED T. B. Needles.
Commissioner.

SIGNED C. R. Breckinridge.
Commissioner.

Commissioner.

Manager, Indian Territory,
APR 20 1904

FILED
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Freeman Rowe,
Choska, I. T.
Cherokee-F-D-897.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Muskogee, Indian Territory, August 19, 1901.

The Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your favor of the 16th instant enclosing four copies of testimony in re application of Freeman Rowe for enrollment as a Cherokee Freedman, whose name appears upon Cherokee Card, Field No. D 897.

You are advised that said applicant has never appeared before the Commission for enrollment as a citizen of the Creek Nation, neither does his name appear upon the tribal rolls of said nation.

Very respectfully,

E26

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDERIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 19, 1901.

The Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

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You are advised that said applicant has never appeared before the Commission for enrollment as a citizen of the Creek Nation, neither does his name appear upon the tribal rolls of said nation.

Very respectfully,

Commissioner in Charge.

RBE.

COPY.

Cherokee Freedmen
D-446 et al.

Muskogee, Indian Territory, May 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peggy A. Rowe et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Peggy A., Dinah, Katie, Annie, Ruthie, Cully and Freeman Rowe, Clarence Simmons, Roger Wheat and Agnes Porter as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-180.

COPY.

Cherokee Freedmen
D-646 et al.

Muskogee, Indian Territory, May 8, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Peggy A. Rowe et al., rejecting the applications for the enrollment of Peggy A., Dinah, Katie, Annie and Ruthie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter, Cully and Freeman Rowe as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-179

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-897.

Muskogee, Indian Territory, May 8, 1904.

Freeman Rowe,
Eufaula, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting, among others, said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register

Enc. D-178.

Refer in reply
to the following:
Land
Blood-Issue

COPY.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, MAY 23, 1904.

The Honorable,

The Secretary of the Interior.

SIR:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated May, 1904, transmitting for your consideration the application of Peggy A. Rowe, et al. for enrollment as Cherokee freedmen.

April 20, 1904, the Commission rejected the applicants/.

An examination of the record of the evidence in the matter of said application shows, in substance, the following to-wit: That Peggy A. Rowe for herself and her minor daughters, Dinah, Katie, Amanda, and Ruthie Rowe, and her minor grandchildren, Clarence, Simmons, Roger Wheat and Amen Eater; and by Polly Rowe for herself and by Freeman Rowe for himself, make application for enrollment.

The evidence in this case shows that Peggy A. Rowe was a slave of a Cherokee citizen at the commencement of the rebellion; that prior to the commencement of said rebellion she was taken out of the Cherokee Nation into the State of Texas, and that she did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1896.

in the case of Rosa Whitaire, trustee, vs. The Cherokee Nation for the return of Cherokee Freedmen to said Nation.

It further appears that all other applicants herein have been born since 1880, and are the children and grandchildren of said Peggy A. Rose, that they have only such rights as are possessed by the said Peggy A. Rose as their ancestor.

Further that none of said applicants appear on the 1880 authenticated Cherokee Roll.

For the reasons assigned by the Commission and from an examination of the several applicants and their witnesses, and those on the part of the Nation, it is recommended that the action of the Commission denying the application of Peggy A. Rose, Pinet Rose, Katie Rose, Anna Rose, Ruthie Rose, Clarence Sumpre, Badger Ghent, Agnes Porter, Gully Rose and Freemen Rose, be sustained and that they be denied enrollment.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

L.T.B.

D. [illegible]-1904
I.T.D.-4224-1904
L.R.S.

W.H.R.

1.P.

W.H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

May 27, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 6, 1904, you transmitted the record in the consolidated Cherokee freedman cases of Peggy A. Howe, et al., D-646 et al., including your decision of April 30, 1904, rejecting the application for the enrollment of Peggy A., Emma, Katie, Annie, Ruthie, Cylly and Freeman Howe, Clarence Simmons, Roger Smear and Agnes Porter.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 897

Muskogee, Indian Territory, June 7, 1904.

Freeman Howe,

Choska, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 895, et al

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Sully, Freeman, Peggy A., Dinah, Katie, Annie and Ruthie Rowe, Clarence Simmons, Roger Wheat and Agnes Porter as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

FR 373

HLH

REFER IN REPLY TO THE FOLLOWING:
~~NF 290.~~

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 1, 1906.

Chief Clerk,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the name of Lyddie Rowe, daughter of Freeman Rowe, an alleged citizen of the Cherokee Nation, and John Lowry, a Creek freedman, is contained in a partial schedule of new born freedmen (March 3, 1905) of the Creek Nation, approved by the Secretary of the Interior November 24, 1905, opposite roll number 314.

Respectfully,

Commissioner.

Cher Fr R 374

See Cher Fr R 372 and 373

Cher Fr R 374

FILED

MAY 11 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1900

Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1906.

In the matter of the application for enrollment as Cherokee Freedmen by
Peggy Rowe, for herself, and for Katie, Annie, and Ruthie Rowe,

Peggy Rowe, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?

A - Peggy Vann?

Q - Is that your name now?

A - My husband's name is George Rowe.

Q - How long have you been married?

A - Been married ever since I came from Texas.

Q - That about the time of the war? A - A little after.

Q - How old are you?

A - I don't know how old I am, about 37, I reckon.

Q - What is your post office address? A - Checka.

Q - Where do you reside?

A - I live in Gunchorts, Creek Nation.

Q - How long have you been living in the Creek Nation?

A - Ever since I came from Texas.

Q - Have you resided outside the Indian Territory during the past three years?

A - No, sir, lived right in the territory.

Q - To which district in the Cherokee Nation do you belong?

A - Coowescoowee.

Q - Were you a slave? A - yes, sir.

Q - Who was your owner? A - Polly Archie.

Q - What was your father's name? A - Rufus Vann.

Q - Is he living or dead?

A - He is dead.

Q - Was he a Cherokee Freedman?

A - Yes, sir, and half Cherokee too.

Q - To which district did he belong?

A - I don't tell you.

Q - Who was your father's name?

A - Joe Vann.

Q - What was your mother's name? A - Riley Vann.

Q - Is she living or dead? A - She is dead.

Q - Was she a Cherokee Freedman?

A - I guess she was; she belonged to Miss Archie.

Q - Are you married? A - Yes, sir.

Q - What is the name of your husband? A - George Rowe.

Q - Is he a Cherokee?

A - He is a Seminole.

Q - Have you any children under 21 years of age?

A - Yes, sir.

Q - What are their names and ages?

A - Cully Rowe, 23 years old.

Q - What children have you that are not 21 years old?

A - Katie is 20, Annie 17, and Ruthie 12.

Q - Did you ever have a child named Judith?

A - No, sir.

Q - Know anybody named Judith Vann? A - No, sir.

We are unable to find your name on the authenticated roll of 1880, and we must refuse to enroll you for that reason.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bruce G. Jones

FILED
MAY 11 1900
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1900

ACTING CHAIRMAN.

CHEROKEE ENROLLMENT

Statement of Applicant Taken Under Oath.

R. 16

CHEROKEE FREEDMEN.

Date 5/11 1900.

Name Peggy Rowe. age 57 about

District Coo. Okoktaha P.O. Year Page No.

Mother's citizenship Cherokee freedman. Diley Varn. dead.

Married? yes. George Rowe. Seminole.

License Certificate

Wife's name

District Year Page No.

Mother's citizenship

Names of Children:

~~Lizzy~~	Dist.	Year	Page	No.	Age
Katie	Dist.	Year	Page	No.	Age 20
Annie	Dist.	Year	Page	No.	Age 17
Ruthie	Dist.	Year	Page	No.	Age 12
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., June 14, 1901.

In the matter of the application of Peggie Archer Rowe for the enrollment of herself, her four children and three grandchildren as Cherokee freedmen, said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Peggie Rowe Archer.
Q How old are you? A 45.
Q What is your post office? A Chelsea.
Q What district do you live in? A I live in the Creek Nation.
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir, in this my place.
Q Well, did you ever apply to be enrolled in the Creek Nation? A No, sir.
Q Never did? A Never been.
Q What part of the Creek Nation do you live in? A In Coweta District.
Q Do you apply to be enrolled as a Cherokee Freedman yourself? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got? A Six.
Q Is your name Rowe? A Yes, sir.
Q I thought you said it was Peggie Rowe Archer? A Peggie Archer Rowe.
Q Dinah one of them? A Yes, sir.
Q Dinah about 20? A Yes, sir.
Q Katie the next one? A Yes, sir.
Q How old is she, about 18? A I think she is that, I don't know.
Q What is the next child, Annie? A Annie.
Q She is about 16 is she? A Yes, sir.
Q What is the next one's name? A Mathie.
Q She is about 13? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be on the Clifton roll.
Q Has Katie got some children? A Yes, sir.
Q Is she married? A No, sir.
Q How many children has Katie got? A Two.
Q What are their names? A Clarence and Rogers.
Q How old is Clarence? A I think Clarence is going on five years old.
Q How old is Rogers? A Rogers is about as Dinah has got one.
Q What is its name? A Agnes Parker.
Q How old is Agnes? A About five years old.
Q Now, Agnes is Dinah's child is she? A Yes, sir.
Q What is Clarence's name? A Clarence Simmons.
Q Well, what is Rogers' name? A Rogers Wheats.
Q Well, have any of these other children been falling around?
A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined and applicants' names not found thereon.
The 1890 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Q Did you draw the Kern-Clifton money? A No, sir, I didn't draw.
Q Did you draw for any of these children? A No, sir.
Q Well, did you draw the Wallace money? A No, sir.
Q Your name that is not on any of the rolls of the Cherokee Nation?
A No, sir, I don't guess so.

Q You didn't draw for any of these children? A I went to Mr. Kern and Clifton and they said they put my name down.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Mrs. Archer.
Q Polly Archer? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Is she living? A Yes, sir.
Q Well, where were you born? A Born in Saline District.
Q Well, did you go out of the Cherokee Nation during the war?
A Just a while before the war.
Q Where to? A Texas.
Q Well, when did you come back to the Cherokee Nation? A Come back when they said the treaty was made, '66.
Q What were you doing out of the Cherokee Nation in Texas before the war? A Working.
Q Did you run away from your Master? A No, sir, didn't have to run away.
Q Well, did your Master let you go to Texas, you were a slave weren't you? A My Mistress sent me to Texas just a little before the war.
Q Your Mistress sent you to Texas before the war? A Yes, sir.
Q Who with? A Clarinda Vann, her sister.
Q Your Mistress' sister? A Yes, sir.
Q Did she go to Texas? A Yes, sir.
Q You were sold down there wasn't you? A No, sir; dat paper told you I was not sold; she told me that if I wanted her to do any more to write to her.
Q You never drew any money from the Cherokee Nation at all, you nor your children? A No, sir.
Q Have you got any witnesses here? A Yes, sir, Katie and Johnson Vann.

KATIE VANN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Your name is Katie Vann? A Yes, sir.
Q What is your age, Mrs. Vann? A 56.
Q Your post office? A Lenapah.
Q Do you know the applicant here, Peggie Archer Rowe? A Yes, sir.
Q How long have you known her? A Ever since she was a little girl.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Mrs. Polly Archer.
Q Well, do you know whether she was out of the country at any time?
A Yes, sir, she went to Texas, she was taken.
Q When did she return? A '66.
Q Has she been living here ever since? A She didn't live in this Nation, she has been living in the Creek Nation.
Q She has been living in the Creek Nation ever since? A She has been living at Fort Gibson; I saw her there in '66 when I went there to draw rations.
Q She was taken to the state of Texas before the war? A Yes, sir.
Q How did that happen? A Her Mistress' sister went to Texas and she hired her from Mrs. Archer and taken her over there and after peace was declared she came back.
Q Did her Mistress' sister live in Texas? A She was there before the war.
Q And she hired this woman and took her down there? A Yes, sir.

PEGGIE ARCHER ROWE, the Applicant, recalled:

Q Are you married? A Yes, sir.
Q What is your husband's name? A George Rowe.
Q Is he a Cherokee? A No, sir, he is a Seminole-Creek.
Q When did you marry him? A Married him just a little before

left Texas.
Q Married him in Texas? A Yes, sir.
Q Have you been living with him ever since? A Yes, sir.
Q Been living down in the Creek and Seminole Nation? A Yes, sir.
Q Out in Cushberta? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q What is your oldest child's name? A Cully.
Q And how old is Cully? A You will have to call him in here and swear to his own age, I can't tell anything about his age.
Q This is his age here on this paper? A Yes, sir.
Q Who made out this paper, him? A Yes, sir.
Q His age is put down here as 30 years of age? A Yes, sir.
Q He was born down in Texas was he? A He was born here.
Q You were married in Texas you said? A Yes, sir; but didn't have any children at all until I got here.
Q That is the first child you had? A Yes, sir.
Q Well about how long after you came up here was Cully born, the next year? A Yes, sir.
Q Did you ever see Aunt Katie Vann here? A Yes, sir.
Q Where did you see her? A Down there to Gibson.
Q Who were you living with over there? A I didn't know who she was living with.
Q Who were you living with over there? A Over to Creek Nation?
Q Yes. A Living with my brotherin-law.
Q You never lived in the Cherokee Nation since the war? A No, sir.
Q Never have? A No, sir.
Q You never saw Katie Vann in the Cherokee Nation here did you?
A Yes, sir, I have been up and down.
Q Over there on a visit? A Yes, sir, stayed two months with her.
Q Where was she living when you stayed two months with her?
A Over at Mrs. McNairs.
Q That is the first time you ever saw her after the war was it?
A Yes, sir.
Q Where did you ever see her after the war, Auntie, honest, be right? A Why tell you honest and you won't believe me; if I go to work and tell you a lie you will believe me.
Q I want you to tell me where you saw her first? A I saw her at Gibson.
Q Did you have Cully with you? A No, sir; how could I have Cully with me.
Q Wasn't born was he? A No, sir.
Q Auntie, who did you come back up here with? A From Texas?
Q Yes. A Old man John Rowe brought us all here.
Q John Rowe? A Yes, sir.
Q What kin is he to you? A He is a cousin of mine and belonged to Dave.
Q Did John come over to Fort Gibson? A Yes, sir, we come through there.
Q Did you come along with any Cherokees? A No, sir, we come ourselves.
Q That woman you went to Texas with, Clarinda Vann, she was named Calrinda Somers, wasn't she? A Yes, sir.
Q You know the boy Joe don't you? A Yes, sir.
Q Joe knows when you left there? A No, sir, he don't.
Q You nursed him down there didn't you? A Yes, sir.
Q Well, now, about how old was he when you left?
A I don't know; I can't tell you something I don't know.
Q His mother died in Texas? A His mother died in Texas.
Q Joe gamer's mother didn't she? A Died here.
Q Did she come back after the war? A Yes, sir.
Q Did Joe have any other brothers or sisters? A Yes, sir, had one brother Cull and Annie.
Q Were they older or younger than Joe? A Joe was the baby boy.

Q They are living in Texas yet aren't they? A They are dead.
Q How long after you come back until you saw Mrs. Archer after the war? A Saw her two or three times.
Q Well how many years after the war? A I never saw her until the year I went to get these affidavits made out.
Q You never saw her until then did you? A No, sir.
Q I believe you stated that you never have lived in the Cherokee Nation; you have lived in the Creek Nation ever since the war?
A Of course I have; I wasn't going to tell any lie.
Q Where was Callie born? A Callie was born in Comanchetta.
Q How long had you been there? A I don't know.
Q First year after you came up there? A I don't know; I have been there ever since.
Q I want to know how long you were down to Comanchetta after the war? A I don't know.
Q But he was your first child? A Yes, sir.
Q And you were married in Texas? A Yes, sir.
Q How far did you live from that woman, from Katie Vann, the witness? A Lived right close together, Katie Vann is my uncle's wife.
Q Where was this woman, Katie Vann, living when you came back here
A I don't know where she was living, in Gibson I reckion; don't know whether she was staying there or what, she was there; didn't stay there long enough to know anything.
Q You didn't? A No, sir.
Q Just come over there on a visit? A No, I was going over in the Creek Nation.
Q Well how long before the war was it; you went to Texas in '47?
A It was just a little before the war.
Q Well, about how many years? A I don't know, maybe not a year.
Q That is your best judgment is it? A That is all I can judge.
Q Did you ever see Mrs. Archer after that? A While I was in Texas?
Q Yes. Q No, sir, I seen her daughter's there, Lex and Mary Archer.

BY COM'R MEKEEL:--

Q Now, Peggie is your husband living? A Yes, sir.
Q He is living over in the Creek Nation? A Yes, sir.
Q Did these children of yours ever draw any Creek money?
A No, sir.
Q Ever been enrolled over there as Creeks? A No, sir, Creeks don't recognize the Cherokee people over there; they recognize them as Cherokee citizens; never did draw; never tried to.
Q Did your husband draw Creek money? A He draws Seminole money; he is a Seminole.
Q But he lives in the Creek Nation? A He lives in the Creek Nation.
Q Got a farm over there in the Creek Nation? A Yes, sir.
Q How many acres? A I can't tell you.
Q Your husband is named Rowe is it? A Yes, sir.
Q What is his first name? A George.

BY MR. HASTINGS:

Q What is your post office? A Choska.
Q That has been your post office all the time? A Yes, sir.
Q You didn't have any witnesses before the Kern-Clifton Commission?
A No, sir; you told me you didn't want Tom Archer to go in there any more; I told you Tom Archer was my witness; I want to tell you what you said; you was the one that would not call my witnesses, you would not have him in there.

Peggie A. Rowe, et al.--8.

BY COM'R MEREDITH:

Q Have you got anybody tending to your case for you?
A No, sir.

KATIE VANN, the Witness, recalled:
BY MR. HASTINGS:

Q Where were you living in 1866? A On Grand river, at Martha Vann's place, Dave Vann's mother.
Q You saw this woman at Fort Gibson? A Yes, sir. Went down there to draw rations.
Q And she was there to draw rations? A I don't know what she was there, I was there after something to eat myself.

COM'R MEREDITH: Peggie Arabel Rowe applies for the enrollment of herself and four children, Dinah, Katie, Annie and Ruthie. She also applies for the enrollment of her two grandchildren, Clarence Simmons and Rogers Wheat, and avers that they are the children of her daughter, Katie, for whom she applies. She also applies for her grandchild, Agnes Porter, whom she avers is the daughter of her child Dinah. The name of the applicant and none of her children are found upon any of the rolls in the possession of the Commission, the rolls have been duly examined and their names cannot be found. She avers that she resides in the Creek Nation and has resided there ever since '66 and that her husband, George Rowe, is a Seminole citizen; and avers that she was taken to Texas before the war between the United States and the Confederacy, and returned in 1866. Reference is made to her testimony. From the fact that her name does not appear upon any of the rolls of the Cherokee Nation, said Peggie Arabel Rowe and her children and grandchildren, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. It will be necessary for her to make satisfactory proof of the birth of her said children and grand children, they not being identified upon any of the rolls; blank affidavits for that purpose will be furnished.

---oo0Ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 21st day of June, 1901.

Commissioner.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

RECEIVED
JUN 10 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Date 1899

Office .....

Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

Year ..... Page ..... No. ..... Dist. .....

Year ..... Page ..... No. ..... Dist. .....

Year ..... Page ..... No. ..... Dist. .....

Year ..... Page ..... No. ..... Dist. .....

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Year ..... Page ..... No. ..... Dist. .....

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUL 10 1901

Post Office ~~Muskogee I.~~

District Creek Nation

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. ~~Name~~ of wife Peggy A. Rowe Age 53

Owner's name Polly Archer Citizenship .....

Year ~~[illegible]~~ Page ~~[illegible]~~ No. ~~[illegible]~~ District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

2. Dinah Rowe Year — Page — No. — Dist. — 20
3. Kate " Year — Page — No. — Dist. — 18
4. Annie " Year — Page — No. — Dist. — 16
5. Arthur J. " Year — Page — No. — Dist. — 13
6. Solomon Simpson Year — Page — No. — Dist. — [illegible]
7. Roger A. Hunt Year — Page — No. — Dist. — 14
8. Agnes Porter Year — Page — No. — Dist. — 6
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by No. 1 Stenographer J. D. Rosson

2, 3, 4, 5, 6, 7, 8, 11 as of birth

Northern District
Ind Ter

I Peggy A Rowe Citizen of Cherokee nation do solemnly swear that I am the mother of Dinah Katie Annie and Kittie Rowe and I further swear that Mrs Sarah Rowe who died in 1887 was the midwife who attended on me when all four of my Daughters were born

her
Peggy x A mark
mark

Subscribed and sworn to before me
This 17th day June 1901

J L Cravens
Notary Public

D 1N646

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 22 1901
ACTING CHAIRMAN.

Northern District
Ind Terr

I Tony Asberry Citizen of the Creek Nation do Solemnly Swear that I am well acquainted with Peggy A Rowe and have known her Daughters from infancy Dinah Katie Annie and Ruthie I further swear that they are All Living I also further swear that I was well acquainted with Sarah Rowe who Died in 1897 and that she was a midwife by Profession

his
Tony X Asberry
mark

Subscribed and sworn to before me this 17th day of Jun 1901

J O Gravens
notary Public

Stone Bluff Ind Terr
Northern District

I Marshall Rowe Citizen of Seminole nation do solemnly swear that I am well acquainted with Peggy A Rowe Citizen of the Cherokee nation and have known her children Dinah. Katie. Annie and Ruthie Rowe from their infancy and that they all living yet I was also well acquainted with Sarah Rowe who died about 1887 and I further swear that she was a midwife by Proffession

Marshall his x Rowe
mark

Subscribed and sworn to before me this 17th day of June 1901

J Olgrovans
notary Public

No. D. [illegible]

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of ....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of A.D.1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D.1901.

.....

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 2 1901

[illegible] CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Peggie A Rowe for enrollment as a Cherokee citizen:

Case No. D 646

To Peggie A Rowe Choska I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on [redacted] Oct 8, 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

T. B. Bell

W. T. Hastings

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Peggie A Rowe for enrollment as a Cherokee Freedman.

No. F. D. 646

Henry Pack, of lawful age, being duly sworn on oath states that on the 18th day of September, A. D., 1901, he registered to Peggie A. Rowe whose postoffice is Choska Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 30th day of September, 1901, he received the return card which is hereto attached, signed by the said Peggie A Rowe, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

J. C. Stark

Notary Public.

Commissioner: Who took Peggy Rowe to Texas? A Mrs. Summers.

Q Clarinda Summers? A Yes, sir.

Q Who owned her? A She lived with my family then.

Q Was she owned by your family? A Yes.

Q And did your family go to Texas at the same time? A No, they have never been to Texas.

Q If she was owned by your family, how did she get into Texas?

A She went with my sister.

Q Did your family hire her to your sister? A No, we just let them

Q You are a Cherokee citizen? A Yes.

Q Where were born? A Here, sir.

Q When you owned Peggy Rowe when she went to Texas with Mrs. Summers?

A Yes, sir.

Q You owned her throughout the time of the emancipation Act?

A Yes, sir. I guess it would be considered so.

Q When did Peggy come back from Texas? A I don't know when she came back. I never saw her any more till about two years ago.

Q You don't know where she has been living then from 'so to the present time? A No, I only said she was living in the Creek Nation.

Q But she belonged to your family and you are a Cherokee citizen?

A Yes, sir.

Q And she belonged to your family at the time of the emancipation proclamation? A Yes, sir.

Q Vermont Young Winter was a member of this family? A Yes, sir.

Q And when she started to go to Texas she was a Cherokee citizen?

A Yes, sir.

Q When her and her family returned, she had to be readmitted?

A Yes, sir.

Commissioner: Next branch on your family? Did Peggy belong to you? She testified to me before the war.

Commissioner to applicant: You want to add to, delete anything? A No, sir.

Commissioner: This testimony will be made part of the record in Freedman case D-896 and D-897.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the five civilized tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

File with Cherokee Freedmen D-548, Peggy A. Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 6, 1931.

In the matter of the application of Peggy A. Rowe, et al, for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Applicant present in person;
J. S. Davenport, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Mary F. Archer.

Q Where do you live, Mrs. Archer? A Near Pryor Creek.

Q How long have you lived in the Cherokee Nation? A Well, I have lived in it always.

Q What was your maiden name before you married? A Vann.

Q Had you a sister who married a man named Sumner prior to the war? A Yes, sir.

Q What was her name? A Her name was Clarinda.

Q Was Clarinda Summers living in the Cherokee Nation when the war broke out? A No, sir.

Q Where was she living? A Texas.

Q Did she return to the Cherokee Nation after the war? A A number of years after the war.

Q About how long ago was it since she came back to the Cherokee Nation? A Well I expect 15 years.

Q Is she living or dead? A She is dead.

Q How long did she live after she returned to the Cherokee Nation? A About six months, or eight.

Q Do you know whether or not her family was admitted, or her children was readmitted after they came from Texas? A Her son was.

Q What is his name? A Joe Summers.

Q Do you know a colored woman here, the applicant here, who now goes by the name of Peggy Rowe? A I used to know her, knew her before the war.

Q Do you know whether or not she went with your sister to Texas when she moved to Texas prior to the war? A Yes, sir, she went with her.

Q Do you know where she was living when the war broke out? A She was in Texas.

Q When did the applicant return to the Cherokee Nation to live, if you know? A I don't know.

Q Do you know whether or not she has ever made her home here in the Cherokee Nation since she went to Texas with your sister? A I think not.

Q When did your sister go to Texas? I mean with reference to the war, how many years before the war? A A number of years before the war, say ten.

Q When did you first see the applicant after the war, about how many years ago? A About two years ago.

Q The applicant came to your house did she? A Yes, sir.

Q Did you have any conversation with her then with reference to where she was living when the war broke out? A She was in Texas when the war broke out.

Q Had you any conversation with her at the time she came to your house a few years ago with reference to where she was then living? A It was in the Creek, or somewhere, it was in the Creek Nation, that is what I understood from her when she came.

Commissioner: Who took Peggy Rowe to Texas? A Mrs. Sumners.
Q Clarinda Sumners? A Yes, sir.
Q Who owned her? A She lived with my family then.
Q Was she owned by your family? A Yes.
Q And did your family go to Texas at the same time? A No, they have never been to Texas.
Q If she was owned by your family, how did she get into Texas?
A She went with my sister.
Q Did your family hire her to your sister? A No, we just let them go.
Q You are a Cherokee citizen? A Yes, sir.
Q Always have been? A Yes, sir.
Q Then you owned Peggy Rowe when she went to Texas with Clarinda?
A Yes, sir.
Q You owned her then at the time of the emancipation then?
A Yes, sir, I guess it would be considered so.
Q When did Peggy come back from Texas? A I don't know when she came back, I never knew her any more till about two years ago.
Q You don't know where she has been living then from '66 to the present time? A No, but she said she was living in the Creek Nation.
Q But she belonged to your family and you are a Cherokee citizen?
A Yes, sir.
Q And she belonged to your family at the time of the emancipation proclamation? A Yes, sir.
Mr. Davenport: Your sister was a member of this family? A Yes, sir.
Q And when she started to go to Texas she was a Cherokee citizen too? A Yes, sir.
Q When her and her family returned, she had to be readmitted?
A Yes, sir.
Commissioner: What branch of your family did Peggy belong to?
A She belonged to me before the war.

Commissioner to Applicant: You want to ask Mrs. Archer anything? A No, sir.

Commissioner: This testimony will be made part of the record in Freedman case D-896 and D-897.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of October, 1901.

Tams Bixby

Commissioner.

Cherokee

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peggy A. Rowe, et al., as Cherokee Freedman, consolidating the applications of--

Peggy A. Rowe, et al.,	Cherokee Freedmen D-646,
Gully Rowe,	Cherokee Freedmen D-896,
Freeman Rowe,	Cherokee Freedmen D-897.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Peggy A. Rowe for herself, her minor daughters, Dinah, Katie, Annie and Ruthie Rowe and her minor grand-children, Clarence Simmons, Roger Wheat and Agnes Porter; by Gully Rowe for himself and by Freeman Rowe for himself.

The evidence in this case shows that Peggy A. Rowe was the slave of a Cherokee citizen at the commencement of the rebellion; that prior to the commencement of said rebellion she was taken out of the Cherokee Nation into the State of Texas, and that she did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 5, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that all the other applicants herein have been born since 1866 and are the children and grand-children of the said Peggy A. Rowe; that they have only such rights as may be possessed by the said Peggy A. Rowe.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Peggy A. Rowe, Dinah Rowe, Katie Rowe, Annie Rowe, Ruthie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter, Gully Rowe and Freeman Rowe as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
APR 20 1904

Commissioner.

6 O.W.
P F 106

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 13 1900

ACTING CHAIRMAN.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. FERRILL.

ALLISON L. AYLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., June 4, 1898

Peggy Ross,

Checota, Indian Territory.

Dear Madam:-

On Friday, May 13th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1898.

Yours truly,

Chas. L.

Acting Chairman.

Nowata, Indian Territory, June 25th, 1901.

Mrs. Peggy A. Rowe, Col'd.,

Choska, Indian Territory.

Madam:—

Enclosed herewith find the following birth certificates: Dinah Rowe, Katie Rowe, Annie Rowe, Ruthie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter and affidavits of Tony Asberry, Marshall Rowe and Peggy A. Rowe, with reference to the births of Dinah, Katie, Annie and Ruthie Rowe.

The rules and regulations of the Commission require that all signatures which are made by mark must be witnessed by two persons. This has not been done in any of the affidavits.

The records of the Commission show that you and your family have been listed for enrollment as Freedmen of the Cherokee Nation. In the birth certificates you and your daughters, Dinah and Katie, state that you are Cherokee citizens by blood. You are desired to have this error corrected.

In the certificate as to the birth of your daughter, Katie Rowe she is shown to be your daughter, but in the affidavit made by one Peggy A. Rowe, midwife, it appears that she is the daughter of Katie Rowe. This is evidently an error on the

P. A. R. JR.

part of the Notary before whom the affidavits were executed.

When the corrections referred to have been made forward the birth certificates to the Commission at Muskogee where, if correct, they will be filed.

Very respectfully,

Commissioner.

Enc. Pr /2223.

Muskogee, Indian Territory, August 19, 1901.

RECEIVED
AUG 23 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
TAMS CHAIRMAN

The Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your favor of the 17th instant, enclosing four copies of the testimony in the matter of the application of Peggie A. Rowe, for enrollment of herself and children, Dina, Katie, Annie, and Ruthie Rowe, and grand-children, Clarence Simmons, Roger Wheat, and Agnes Porter, whose names appear upon Cherokee Freedmen roll card, field number D 646.

Neither of the above named persons have ever been applicants before the Commission to be enrolled as Creek Freedmen, and their names do not appear upon the tribal rolls of the Creek Nation.

COMMISSIONERS:
MEREDY L. DOWER,
TAMS BIXBY,
THOMAS B. KENDRICK,
C. R. BREckinridge.

ALLISON T. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 19, 1901.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your favor of the 17th instant, enclosing four copies of the testimony in the matter of the application of Peggie A. Rowe, for enrollment of herself and children, Dina, Katie, Annie, and Ruthie Rowe, and grand-children, Clarence Simmons, Roger Wheat, and Agnes Porter, whose names appear upon Cherokee Freedmen roll card, field number D 846.

Neither of the above named persons have ever been applicants before the Commission to be enrolled as Creek Freedmen, and their names do not appear upon the tribal rolls of the Creek Nation.

Very respectfully,

Commissioner in Charge.

RBM.

MAR 1 0 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible] A. Rowe,
Cherokee, I. T.
Cherokee.F-D-646.
Register.

COPY.

Cherokee Freedmen
D-246 et al.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Peggy A. Rowe et al., rejecting the applications for the enrollment of Peggy A., Dinah, Katie, Annie and Ruthie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter, Cully and Freemon Rowe as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-179

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-446 et al.

Muskogee, Indian Territory, May 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peggy A. Rowe et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Peggy A., Dinah, Katie, Annie, Ruthie, Cully and Freeman Rowe, Clarence Simmons, Roger Wheat and Agnes Porter as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Rec. D-180.

COPY.

Cherokee Freedmen
D-646.

Muskogee, Indian Territory, May 5, 1904.

Peggy Rowe,
Choska, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, your children, Dinah, Katie, Annie, and Ruthie Rowe, and your grandchildren, Clarence Simmons, Roger Wheat and Agnes Porter, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting, among others, said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register

Enc. D-175.

Letter in reply
to the following:
Land
JUDGE 1904 [illegible] 9077.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 28, 1904.

The Honorable,
The Secretary of the Interior.

SIR:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated May, 1904, transmitting for your consideration the application of Peggy A. Howe, et al., for enrollment as Cherokee freedmen.

April 20, 1904, the Commission rejected the applicants/.

An examination of the record of the evidence in the matter of said Application shows, in substance, the following facts: That Peggy A. Howe for herself and her minor daughters, Dinah, Lizzie, Annie, and Bathie Howe; and her minor grandchildren, Clarence, Simmons, Roger Wheat and Agnes Peter; and by Cully Howe for himself and by Freemen Howe for himself, made application for enrollment.

The evidence in this case shows that Peggy A. Howe was a slave of a Cherokee citizen at the commencement of the rebellion; that prior to the commencement of said rebellion she was taken out of the Cherokee nation into the State of Texas, and that she did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1896,

in the case of Moses Whitmire, trustee, etc., vs. Cherokee Nation for the return of Cherokee freedmen to said Nation.

It further appears that all other applicants herein have been born since 1866, and are the children and grandchildren of said Peggy A. Rowe, that they have only such rights as are possessed by the said Peggy A. Rowe as their ancestor.

Further that none of said applicants appear on the 1880 authenticated Cherokee Roll.

For the reasons assigned by the Commission and from an examination of the several applicants and their witnesses, and those on the part of the Nation, it is recommended that the action of the Commission denying the application of Peggy A. Rowe, Simon Rowe, Katie Rowe, Anna Rowe, Luthie Rowe, Clarence Summers, Rodney Vicat, Agnes Porter, Cully Rowe and Freeman Rowe, be sustained and that they be denied enrollment.

Very respectfully,

A. G. Tonner,

Acting Commissioner.

L.T.B.
G.

[illegible]

[illegible]

WASHINGTON,

May 27, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 6, 1904, you transmitted the papers in the contested Cherokee freedman case of Peggy A. Rowe, [illegible] including your decision of April 20, 1904, rejecting the application for the enrollment of Peggy A., Dinah, Kate, Annie, Hattie, Guilly and Freedman Rowe, Clarence Simons, Roger Ernest and Annie Parham.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 Inclosure.

Cherokee Freedmen
R 878, et al

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Cully, Freeman, Peggy A., Simon, Katie, Annie and Ruthie Rowe, Clarence Simmons, Roger Wheat and Agnes Porter as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cherokee Problems
D 515

Muskogee, Indian Territory, June 9, 1904.

Perry A. Rowe,
Choska, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself, your four minor children, Dinah, Katie, Annie and Ruthie Rowe, and your three minor grandchildren, Clarence Simmons, Roger Wheat, and Agnes Porter, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

(C O P Y)

D. C. 40793-1905
I.T.D. 4224-1904
7545, 7547,
7581, 7583-1905 DEPARTMENT OF THE INTERIOR

Y.F.
LLB

L R S WASHINGTON.

August 23, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of what are intended for motions for a rehearing in the Cherokee freedman case of Peggy Rowe et al., the subject of departmental letter of May 27, 1904. These communications are by Annie, Ruth, Katie, Freeman, and Diana Rowe; address, 3 and 4 Jones Building, Muskogee, Ind. T.

No error in the decision of the Department which affirmed the decision of the Commission to the Five Civilized Tribes adverse to the applicants is pointed out. In fact, no reason is shown which would warrant the reopening of the case. Besides, the motions bear no evidence of service upon the attorney for the Cherokee Nation.

Such motions are denied and you will so advise the parties, calling their attention to the action of the Department of May 27, 1904.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

Cherokee Freedman
R 274

COPY.

Muskogee, Indian Territory, August 29, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the communications of Annie, Ruth, Katie, Freeman and Diana Rowe, which are intended for motions filed with the Department for a rehearing in the Cherokee Freedman enrollment case of Peggy A. Rowe, et al., you are advised that this office is in receipt of Departmental letter of August 23, (I.T.D. 7553-1906), denying said motions.

For your information there is inclosed herewith a copy of Departmental letter referred to.

On May 29, 1904, the decision of the Commission to the Five Civilized Tribes dated April 20, 1904, rejecting the application for the enrollment of Peggy A. Rowe, her four children and three grandchildren, as Cherokee freedmen, was approved by the Secretary of the Interior.

Respectfully,

Tams Bixby,
Commissioner

Incl. R 67
LMB

COPY.

Cherokee Freedman
R 374

COPY.

Muskogee, Indian Territory, August 29, 1905

Peggy A. Rowe,

Choska, Indian Territory.

Dear Madam:

In connection with the communications of Annie, Ruth, Katie, Freeman and Diana Rowe, which are intended for motions filed with the Department for a rehearing in the Cherokee Freedman enrollment case of yourself and others, you are advised that this office is in receipt of Departmental letter of August 25, 1905 (I.T.D. 7853-1905), denying said motions.

For your information there is inclosed herewith a copy of Departmental letter referred to.

On May 27, 1904, the decision of the Commission to the Five Civilized Tribes dated April 30, 1904, rejecting your application for the enrollment of yourself, your four children and three grandchildren, as Cherokee freedmen, was approved by the Secretary of the Interior.

Respectfully,

(SIGNED)
Tams Bixby.
Commissioner

Incl B 66
LMB

See Chap. 6, § 3 [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12,1901.

In the matter of the application of Emily Walker for the enrollment of herself and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Messrs. Mellette & Smith, for the applicant;
Mr. Jas. Davenport, for the Cherokee Nation.

Q What is your name? A Emily Grimmett.
Q What is your age? A About 60, or more.
Q What is your post-office? A Welch.
Q What district do you live in? A Delaware
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A Three children
Q Are they under age? A Yes sir.
Q Give me the names of the children? A Freddie.
Q How old is Fred? A 20.
Q What is the name of the next one? A Flora.
Q How old is Flora? A 19 I guess.
Q What is the name of the next one? A Bertha.
Q How old is Bertha? A 17.
Q That all? A That's all under age.
Q How many have you got that's over age? A Four.
Q Is your name on the authenticated roll of 1880? A It ought to be.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 157 #5884 Emily Grimmett, Cooweescoowee District;
page 157 #5889 Fred Grimmett, Cooweescoowee District;
page 157 #5890 Flora Grimmett, Cooweescoowee District;
page 157 #5891 Bertha Grimmett, Cooweescoowee District.

Q Are you married? A I am a widow.
Q What was your husband's name? A Fred Walker.
Q Have you married since? A No sir.
Q How does your name happen to be Grimmett if your husband was named Walker? A My master was named Grimmett.
Q But your name is Walker now? A Some calls me Walker and some calls me Grimmett.
Q What do you call yourself? A I just go by what they call me.
Q How long has your husband been dead? A 15 years or more
Q What's Fred's name? A Walker.
Q These children are all named Walker aint they? A Yes sir.
Com'r: Her name is Walker.
Q Were you ever married more than once? A No sir.
Q Your name before you was married then was Grimmett? A Yes sir.
Q What was your father's name? A Jack Ratliff.
Q What was your mother's name? A Sylvia Grimmett.
Q You never went by your father's name? A No sir.
MR. SMITH:
Q You say you have always been known as Emily Grimmett? A Yes sir.
Q Was you a slave? A Yes sir.
Q Who did you belong to? A Billy Grimmett.
Q Have you some witnesses here? A Yes sir.
Q Was Billy Grimmett a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Flint district.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q Where ~~was you~~ were you living at the time the war commenced?

A At the breaking out of the war I was living in Tahlequah.
Q Did you go out of the Nation during the war? A No, I didn't go out right away.
Q Did you go out at all while the war was going on, if so, state where you went to? A I followed the soldiers around.
Q When did you come back to the Cherokee Nation after the war was over? A I pretty much was around in the Nation, until all the soldiers, directly after the war was settled.
Q I don't understand you exactly; when did you first come back to the Cherokee Nation, if you went out during the war? A It was in '66.
Q Where did you come to? A In Gibson, Ft. Gibson.
Q Who came with you to Ft. Gibson? A Cherokee woman named of Mrs. Wesley.
Q How long did you stay about Ft. Gibson after you got to Ft. Gibson at that time? A I just stayed around and worked backwards and forwards right in Gibson, first one place and another.
Q How many children have you besides the ones you apply for here, Fred, Flora and Bertha? A I have three.
Q How many children have you now over 21 years old? A There would be five.
Q Give us the names of your grown children? A Charley.
Q Charley Grimmett or Walker? A Charley Walker.
Q Was he sometimes called Charley Grimmett? A Yes sir.
Q Well tell all, what other grown children have you? A Ida Grimmett.
Q Is Ida married or single? A She is married to Will Young.
Q Her name is Ida Young? A Yes sir.
Q Where does Charley live? A Charley Walker is working now on the road, working for a drummer, in Texas.
Q Where does Ida, your married daughter, live? A She lives in Delaware district, up there close to Vinita.
Q Now then, Charley and Ida we have spoken about, what other grown child have you? A Sebron, he is dead though.
Q What other then besides Sebron? A Emma.
Q Is she married or single? A She is single, and lives at home with me.
Q Is she the daughter of your husband whose name was Walker? A Yessir.
Q Her name then is Emma Walker? A Yes sir.
Q Is she sometimes known as Emma Grimmett? A Yes sir.
Q Where does Emma live? A Lives with me in the house with me.
Q Where do you live? A I live 22 miles from Vinita on Timbered Hill.
Q Is Timbered Hill in the Cherokee Nation? A Yes sir, in Delaware district.
Q You have mentioned Charley and Sebron, who is dead, and Emma and Ida, now is there another one? A Hannah.
Q Is she married or single? A She has been married.
Q What was her husband's name? A Oscar Briggans.
Q Where does Hannah live? A With me.
Q At your home on Timbered Hill, in the Cherokee Nation? A Yes sir.
Q ~~Does she go by the name of Hannah Briggans, or Hannah Walker, or~~ Hannah Grimmett? A She used to go by both, she goes by Briggans now.
Q How old did you say you are, Aunt Emily? A About 60 some odd years old, I don't know exactly.
Q What is the reason you can't remember the names of your children any better than you did? A My recollection, I can't study it good, my head is not right, I can't think, I have just got out of a bed of sickness and I can't remember good.

[illegible]

[illegible] did you belong to, [illegible] other? A I [illegible]

Q [illegible]

[illegible] belonged to [illegible] father.

Q [illegible] his d[illegible] A [illegible]

Q What was her name at the breaking out of the war? A Rosel[illegible] maiden.

Q [illegible] she didn't married? A No sir.

Q [illegible] know what became of Rosel when the war broke out? A Yes sir

Q [illegible] said she got A She died.

Q [illegible] the war? A No, before the war.

Q [illegible] who did you belong to when the war broke out? A I belonged to [illegible] Grimmetts.

Q [illegible] was still some more of the Grimmetts; which one of them? A [illegible]

Q [illegible] did Betsy marry? A She married into the Taylors, she married Bill Taylor.

Q Did Betsy leave the territory during the war? A Yes sir, she left home after the soldiers come in there.

Q You know whether or not she ever returned after the war? A No sir, she was in Ft. Smith I think; I could [illegible]

Q They were living in what district when the war broke out, Betsy and her husband? A [illegible]

Q Did you leave the territory during the war? A Yes sir.

Q Where did you go? A Ft. Gibson.

Q Well you didn't leave the Territory at all then did you, when the war broke out you didn't go out with the people, either South or North? A I was with the soldiers, they went once they come and took us away.

Q Now since the war where have you been living? A On Timbered Hill.

Q When did you move to Timbered Hill? A I have been to Timbered Hill. I couldn't tell just how many years it has been, because when they taken the census the over time it was about 14 or 15, I can't just exactly think over it, because I don't know the facts.

Q Have you lived any other place since the war except Ft. Gibson and Timbered Hill? A No sir. I haven't lived no place else around Timbered Hill and I worked around Vinita.

Q Who did you work for at Vinita? A I stayed around and worked for aunt Ann Daniels, when

Q She was the mother of Mrs. Lucian Duffing son? A Yes sir.

Q When you were at Ft. Gibson who did you work for? A I worked for the soldiers, cooking.

Q Aunt Ann Brown was living there at that time? A Yes sir.

Q You know her? A Yes sir.

Q [illegible] never [illegible] in Kansas any in your life? A No sir

Q Arkansas? A No sir.

Q Texas? A No sir. I don't know where Texas is.

Q Have you ever lived in any country except the Cherokee nation? A Just the Cherokee nation.

Q You don't remember any other country? A No sir.

Q [illegible]

Q Have you any brothers and sisters? A Yes sir.

Q What are their names? A Ben Grimmett, is the oldest brother,

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Q You know whether he is on the 1880 roll or not? A I guess so, I don't know, I couldn't swear that.
Q How old is he? A About eighty I guess.
Q You don't know? A No sir.
Q Is he older than you? Or younger than you? A He is older than me.
Q What is your sister named? A Ester.
Q You know whether she is on the 1880 roll or not? A Perhaps she may be, I couldn't say.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's brother and sister and identified on page 112 #1310 Ester Grimmett, Cowesescowee District; page 108 #1214 Ben Grimmett, Cowesescowee District, Adopted colored.

BY MR. DAVENPORT: Objection, on the ground of being immaterial and incompetent, and tending to confuse two records.
Q You stated that you had a brother Ben, what are his children's names? A (No reply)
MR. DAVENPORT: I object to that.
Com'r NEEDLES: Oh that's too much.
BY MR. NEEDLES, COM'R:
Q I understood you to say to Mr. Davenport that you never went out of the Cherokee Nation, that you lived at Ft. Gibson all the time during the war? A Yes sir.
Q You never went out of the Cherokee Nation? A No sir.
Q You never went into the state of Kansas during the war?
A No sir.
Q Nor Texas? A No sir.
Q Nor Arkansas? A No sir.
Q Here all the time? A Yes sir.
Q Why is your name not on the roll of 1880? A That's some thing wrong about it, because I was right in Tahlequah at Mrs. Jim Staplers, and worked around there.
BY MR. DAVENPORT:
Q You don't mean to say that Jim Stapler was married in 1880?
A Aint Jimmie Stapler's mother named Jane.
Q I thought you said Jim? A (No reply.)

L. D. DANIELS, being sworn and examined by Com'r Needles, testified as follows:
BY. MR. SMITH:
Q State your name? A L.D.Daniels.
Q Where do you live? A At Claremore now.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Emily Grimmett, or Emily Walker?
A Yes sir.
Q How long have you known her? A I knew her before the war and I have known her since that time.
Q Do you know whether she was a slave or not? A Yes sir.
Q You know who she belonged to? A Bill Grimmett.
Q Was Bill Grimmett a Cherokee Indian? A Yes sir.
Q What family did he have? A Bill Grimmett was a young man when he were hung.
Q You remember how long before the war he was hung? A I think it was in '58 or '59.
Q What relatives did he have? A I didn't get acquainted with his kin-folks. I got acquainted with this woman's mother; she always lived in Gibson and hired outall the while, and I lived there too, before the war.
Q Do you know of your own knowledge what became of Emily or where she was during the war? A I saw her there a [illegible] part of the

time to Gibson.
Q When did you first see her after the war closed? A Well I aint certain, I think it was though just before the Cholera, and the cholera was in '67, commenced along about April or May or June.
Q You know how long before the cholera was that when you saw her at that time? A Oh she was there after the surrender.
Q How long after the surrender? A She was cooking up there in the quarters and I couldn't tell, just see her every once in a while, cooking up there at the soldier quarters, Major Lugenberry.
Q You know whether she remained in the Cherokee Nation or not during the war? A no I don't.
Q When was the time you saw her there, the first time you spoke about awhile ago? A I saw her there in '62, and I went to the Choctaw Nation the first day of March, '62, and I come back in August, In September, on the 10th of August, and went back to the Choctaw Nation again in September, and come back in February, '63, and I found Emily there then, cooking in those soldiers' quarters there.
Q Where? A At Ft. Gibson, sir.
Q Then when did you next see her after you saw her in '63? A I saw her there when the Cherokees was mustered out at the soldiers' quarters, that was in June sometime I think, '65.
Q Then when did you next see her? A I aint positive of this fourth time, I seen her, but I think she was there just before the cholera broke out.
Q You don't know how long before the cholera broke out? A It was the same spring, that was in '67.
Q Did you see her yourself during the year of '66? A Yes sir.
Q Where? A At Ft. Gibson.
Q What time in '66? A It was the summer I believe, or the fall, soldiers were mustered out in '65, I don't know whether it was May or June, and Emily were there then I am satisfied of that, because I seen her.
Q And then what time was it in '66 that you saw her? A I told you awhile ago that it was near about the fall of '66 and I wasn't certain, but what I remember there in the spring of '67 before the cholera broke out, that's just what I said.
Q When did you next see her after you saw her just before the cholera broke out? A I remember that of seeing her in Tahlequah and I disremember- I had moved away from Gibson and I disremember what year that was, in the fall she were at Tahlequah there duckings doing Laundry work.
Q Can you state how long it was after '67? A It must have been seven or eight or nine years, I couldn't say, but I was always to Tahlequah and she were doing laundry work, and she had a little girl or two there with her, and she had a Dutchman I think was her husband there; she was gathering up clothes around there, and I got some of the Council's clothes for her; and I have been hearing of her some 16 or 17 years over here about Timbered Hills, over here about Bluejacket; I haven't been to her house though.
Q Bluejacket, Indian Territory? A Yes sir.
BY CON'R MEEKS:
Q This Ft. Gibson you spoke about in the Cherokee Nation? A Yes sir
BY MR. DAVENPORT:
Q You know who she belonged to at the breaking out of the war?
Q Bill Grimmett.
Q That the one that had been hung in '58? A I think that's the same gentleman.
Q He had been hung about three years before the war broke out?
A Yes sir.
Q She still belonged to him? A Well, she belonged to some of the family I guess.
Q I asked you if you knew who she belonged to? A Well of course not,

he was done hung.

EASTER WILLIAMS, being sworn by Com'r Needles, testified as follows;

BY MR. SMITH:

Q State your name? A Easter Williams.
Q How old are you? A I am somewheres along in 50. I was a slave born, and was nursing before the war.
Q Where do you live? A I live up here on Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q How long have you livedin the Cherokee Nation? A All my days, only when I was out working.
Q Do you know this applicant, Emily Walker, or Grimmett? A Yes sir, she is my sister.
Q Do you know whether she was a slave before the war or not? A Yes sir, she belonged to the same man I did.
Q Who was that? A Why Bill Grimmett, in Flint District.
Q What family did Grimmett have? A He had his wife was named Becky.
Q Did he have any children? A Yes sir.
Q What children did he have? A Rachel, Betsy, John and Bill.
Q Bill Grimmett was hanged before the war; which one of them? A Young Bill. Was hung in Tahlequah.
Q Is the old man Bill dead? A Yes sir, he died before the war, while we was all to home.
Q Where was the Grimmett family, the ones of them that didn't die before the war commenced? A They were in Flint, up to the old place; they had two places.
Q Did you live with some of them? A No, they devided me out to one of the daughters, the one that married Houston Ross.
Q Who did Emily belong to? A She belonged to Rachel Grimmett, she was a Rachel Fields, when her name was changed.
Q Where was your sister Emily living when the war commenced?
A We was all at home in Flint District.
Q In the Cherokee Nation? A Yes sir.
Q Was this Rachel the one who married Fields, was she daughter of Bill Grimmett? A Yes sir, old man Grimmett.
Q She was a citizen of the Cherokee nation? A Yes sir.
Q Where did you go during the war? A They took me to Kansas I was working for an officer, I went to Ft. Scott.
Q You know what year you were taken out? A It was while they was fighting.
Q When did youget back? A I was here in '66, I was here long before the Treaty to tell the truth, at Ft. Gibson.
Q Are you on the 1880 roll? A I don't know sir.
Q When did you first see your sister Emily Grimmett or Emily Walker after the war? A We was all together at Ft. Gibson, and they carried us to Neosho and brought us back to Ft. Gibson.
Q Who did that? A The Government, they had us as refugees or whatever you call it; we was drawing rations.
Q They carried who? A My sister and everybody else, I couldn't tell you who all.
Q Carried this sister Emily? A Yes sir, and another sister that's dead.
Q What do you mean by carried you to Neosho? A They carried us from Ft. Gibson to Neosho. I don't know what district it's in, but it was Neosho.
Q What was it, a river or town? A Yes, that was it, on that Big river there, but it was called Neosho.
Q Neosho Station or town, do you know whetheror not you were taken to a place used to call Neutral land? A No sir, they called it Neosho, that was the name they called it when we were there, when the soldiers were there.

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Q Was it in the Cherokee Nation or did they take out outside of the Cherokee Nation? A I don't know whether it is outside or not, they called it Neosho, they carried us all there and had soldiers there to guard us.
Q You don't know what it was? A I know it was Neosho; they took us from Gibson to Neosho.
Q You remember anybody else, colored people, that was taken there?
Q Lord, there was two or three hundred negroes they carried there, and brought back to Gibson.
Q When did they bring you back? A Just about I reckon along when peace was going to be declared; there wasn't so much bushwhacking up there, there was a guard with us when we come to Gibson.
Q Did your sister Emily come back with you? A Yes sir, she was working for an Adjutant.
Q How long did you stay? Emily stayed there about ft. Gibson? A I was there working for the officers, and I went to ft. Smith with Lieutenant Ayers and Colonel Waters; I lived here at Gibson; I don't know exactly where she went.
Q How long did you stay at Gibson after you got back? A I stayed three years, my mother was there.
Q And when you went away you left her there? A Yes sir, and I left my mother at there at the time.

BY MR. DAVENPORT:

Q You and your sister and them were taken up to Neosho? A Yes sir, not me and her specially, but the whole lot of negroes.
Q That was down there? A No sir, there had been people that lived there, it wasn't a slave state.
Q It was Neosho, Missouri wasn't it? A I suppose so, they didn't put the Missouri to it, they told us Neosho.
Q Wasn't there a kind of town there? A Few houses, one or two houses. Big white house set in the north-west corner and some other little houses.
Q It was in a valley between two hills? A Yes sir, Neosho was, about three springs.
Q There was no railroad there at that time? A No sir, there wasn't no talk of a railroad, because the bushwhackers had everybody a going.
Q You know where your sister Emily lives now? A She lives at Timber Hills.
Q How long has she been living there? A I couldn't tell you that, she has been living there long enough to have a fine place.
Q How long since she left Chetopa, Kansas? A I couldn't tell you that; we all was in Chetopa; she worked in Chetopa to educate her children.
Q Well did she live in Chetopa Kansas quite a while? A I don't know how long she lived there.
Q You know she had a home there? A I couldn't swear that.
Q You don't know whether she owns property there yet or not? A No sir, I couldn't tell you that.
Q You don't know whether you are on the roll of 1880 or not? A I suppose I am, if I aint scratched off.
Q You know of any one being scratched off after it has been recognized and that was put on the 1880 roll and it has been authenticated? A I don't know sir, I am just talking, because talking is kinder cheap and sometimes somebody hits the nail on the head.
Q How often since you have been talking in the interest of the claimants have you hit the nail on the head? A I don't know as I have done anybody any wrong in this court or told any lies.

MR. SMITH: I object to that.

Q You came back to the Nation at what time? A I was here in '66 and moving off and on.
Q How long did you stay here? A Why up to here. I wasn't married.

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Q You was in Ft. Smith several years? A No sir, I wasn't; I was here mostly at Tahlequah; I used to cook for Mrs. Alberty, and after the war I was here with Mrs. Brown. That's my history.
Q Where was your sister during that time? A She will have to give an account of that herself; I left her in Gibson.
Q You don't know where she has been living since the war? A She has been here at Timbered Hill.
Q How long? A I don't know.
Q You know she was living there part of the time? A I know she is living there.
Q She is living there now? A Yes sir, ~~and kind to keep house and~~ has got a good home.
Q You know whether she ever lived in Parsons? A No sir, she never lived in Parsons awhile.
Q How long? A Not very long.
Q Did you live there as much as a year? A I don't know as I lived there that long.
Q You don't know how long you lived there? A No sir, I raised my children here.
Q But you did live in Parsons? A Yes sir, I lived in Parsons awhile; it was the only place I could get work; I am a cook by trade.

BY MR. SMITH:

Q What children have you? A I have only got Sylvia, I had one or two dead.
Q What other children did you have besides Sylvia? A Nathan and Alice, theses the two that's dead.

FRED MARTIN, being sworn by Com'r Needles, testified as follows

BY MR. SMITH:

Q State your name? A Fred Martin.
Q How old are you? A 43.
Q Do you know Emily Grimmett? A I do.
Q How long have you known her? A I have known her pretty near as long as I have known anyone. I can't tell you how many years I did know her; I have knowed her ever since I was a child.
Q Where were you when the Civil War closed? A Ft. Gibson.
Q When did you first see Emily Grimmett after the war? A I saw her while we were at Ft. Gibson, just after the war had closed.
Q You know what year it was in? A It was in '66; she stayed a good while with my mother and father; she was staying with us just before we moved from Ft. Gibson up on Grand river.
Q When did you move from Ft. Gibson up on Grand river? A In the winter of '66.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

BY MR. DAVENPORT:

Q You are about how old now? A 43 years old.
Q And this woman stayed at your father's and you saw her around there in '66? A Yes sir, I saw her there before we moved away from Ft. Gibson.
Q That was about 38 years ago? A Yes sir.
Q And you remember her now as being the woman you saw there when you were about seven or eight years old? A I do.

BY COM'R NEEDLES:

Q You have known her ever since? A Often and on, ever since.
Q You know whether she has ever lived since that outside of the Cherokee nation? A No sir.

BY MR. DAVENPORT:

Q Don't you know she has lived outside of the Cherokee Nation? A No sir, I do not.

POLLY NIVENS, being sworn by Com'r Needles, testified as follows

BY MR. SMITH:

Q State your name? A Polly Nivens.
Q How old are you? A 54.
Q Where do you live? A Pt. Gibson.
Q How long have you lived at Pt. Gibson? A All my life.
Q Pt. Gibson, Cherokee Nation? A Yes sir.
Q Do you know this applicant, Emily Grimmett? A Yes sir.
Q How long have you known her? A I have knowed her all my life.
Q Do you know where she was in 1866? A No sir.
Q When did you first see her after the close of the war? A I saw her when I was in Pt. Gibson, cooking for the generals issuing rations to the refugees just at the close of the war.
Q Do you know what date it was? A No sir.
Q Can you testify to any dates? A No sir.
Q Do you know any dates? A No sir, I don't know nothing about the dates.
Q You just know you cooked for the refugees? A Yes sir.
Q What refugees? A Cherokees, they was issuing rations to the Cherokees.
Q Where at? A In Pt. Gibson.
Q When was it that you saw Emily Grimmett? A Long when I was cooking for the agent that was issuing rations to the refugees.
Q You know what children she has? A She had three with her, but I don't remember which ones it was.
Q You don't remember their names? A No sir, I forget their names, I knowed their names too at that time, but I have forget them now.

BY MR. DAVENPORT:

Q You knew every one of the negroes that was down there at Pt. Gibson at the close of the war? A Pretty near all of them.
Q You remember all of them distinctly now? A No sir. Not all of them.
Q You knew this woman before the war broke out? A Yes sir.
Q Where was she living when the war broke out? A She said she was living at Tahlequah.
Q You don't know who she belonged to? A The Grimmetts.
Q How do you know? A She said so.
Q I asked you if you knew it? A I didn't know it for certain, I just knowed her and Mr. Grimmett her master.

APPLICANT, EMILY WALKER, re-called, and further examined;

By COM'R NEEDLES:

Q Emily, there were these children that you apply for, Fred and Floraand Bertha, where were they born? A On Timbered Hill.
Q In the Cherokee Nation? A Yes sir.
Q You never lived in Kansas? A No sir.
Q Never lived in Parsons? A No sir.
Q Never been up there? A I have been up there, but not to live.
Q Where were you married to Walker? A Married by a preacher.
Q I say when and where? A He was a soldier.
Q Were you married to him in the Cherokee Nation? Or in Kansas?
A Married in the Cherokee Nation.
Q He was a soldier? A Yes sir.
Q White man? A Yes sir.
Q What was his name? A Fred Walker.
Q Is he dead? A He is dead.
Com'r: Well he ought to be.
Q You were married at Gibson? A Yes sir.
Q Did you and Fred ever keep house outside of the Cherokee Nation anywhere? A No sir, kept house when I come to keep house.

we kept house until he died, and I buried him.
Q Where? A Out here on Timbered Hill, where I am living, at the grave-yard.
Q Your oldest child Fred was born at Timbered Hill? A No sir.
Q Where was he born? A Charley is the oldest child, he was born in Gibson.
Q Your oldest child of the minors, Fred, where was he born? A On Timbered Hill.
Q You have been living there ever since he was born? A Yes sir.
BY MR. DAVENPORT:
Q Didn't you use to live in Chetopa and haven't you got property up there now? A No sir, I haven't.
Q When did you dispose of it? A I never had any.
Q Didn't you live in a house and live in Chetopa? A No, I never went around doctoring when they would come after me.
BY COMMISSIONER:
Q You was a doctor was you? A Well there were a few know.
Q Yes, women business? A Yes, women business.
Q You went as far as Chetopa when they sent for you? A Yes sir, I went as far as yet, Scott for that matter.
Q But never moved up there? A Never moved up there.

Comes Roddick Emily Walker applies for the enrollment herself and her children, Fred, Flora and Bertha; she avers that she was a slave of the Grimmett family, and that she was married to one Fred Walker, a white man, now deceased, whose name cannot be found upon the authenticated roll of 1880 or the census roll of 1896; she is only identified upon the Kirmsclifton Jay roll; she avers that then and the testimony shows that she was a slave, and that she never moved outside of the Cherokee Nation during the war, and never held a residence out of the Nation since; the evidence produced clearly shows that she is entitled to be listed for enrollment as a Cherokee freedman, as well as her children; but by reason of the fact that the Cherokee Nation, by its representative, protests against the enrollment of said Emily Walker, she will, very reluctantly, be listed for enrollment as a Cherokee freedman upon a doubtful card, as well as her children, Fred, Flora and Bertha; she will be notified by mail of the decision of the Commission when arrived at, in her case. She is now going by the name of Emily Grimmett, that having been her maiden name or the name of her master, but her only marriage, according to the testimony, was to one Fred Walker.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 22, 1901.

Dennis Flynn
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 14, 1902.

In the matter of the application of Emily Walker et al for enrollment as Cherokee Freedmen.

Applicants appear by W. C. Jackson, representing Mellette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TO D-710.

JACOB BAMBERGER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A My name is Jacob Bamberger.
Q What is your postoffice? A Fort Scott, Kansas.
Q What is your age? A My age is 62.
Q How long have you been a resident of Fort Scott? A Well I have been a resident, lived there continuously since '66.
Q What time in '66? A In July.
Q In July? A But I have lived there - I come there first in '64.
Q You went away and came back in '66? A Came back, gone about less than a year, and came back in '66.
Q Did you know a colored woman there by the name of Easter Grimmett? A Yes, sir.
Q When did you know her? A Well I knew her in '66, I couldn't say as I knew her in '64 or not, I knew her in '66.
Q How long did you continue to know her? A I continued to know her two years or more after I first saw her.
Q Did she have a sister there? A She did.
Q Was she older or younger than she? A She was older.
Q Do you remember her name? A I do not.
Q Do you remember their mother Sylvia? A I do not know her mother's name.
Q You don't remember the name of her oldest sister? A No, I don't.
Q But you know that shehad one? A I know she had one.
Q And she lived with her when she lived there? A Yes, sir.
Q You know that they lived there for two years or more after July of '66? A Yes, sir, I do.
Q In Fort Scott, Kansas? A Yes, sir.
Q Do you know whether they claimed to be Territory darkies? A Well they had the reputation, supposed to be Indian negroes, what we used to call Indian negroes.
Q Do you know where they went to when they left there? A I do not.
MR. JACKSON: How far did these people live from you? A How far from me their residence was?
Q Yes, sir. A Oh I don't think it could have been exceeding four or five blocks, maybe nothing more than three or four.
Q They lived in the negro quarters, negro part of the town? A Yes, sir.
Q Did they work for you? A No, I was a single man then.
Q How often was you in the negro quarters? A Well I don't know as I was very seldom, but I saw them in town.
Q What business was you in? A I am selling clothing, have been ever since '66.
Q And these women came in there to buy clothing? A Oh no, I saw them on the streets.
Q How many negroes are there in that town? A Well I couldn't say how many.

Q Well how did you know that this was Easter Grimmett especially?
A I knew that Easter Grimmett at that time, and I don't know how I knew it was her; I knew it was her.
Q You don't know how you knew it was her? A Well I knew it was her as well as I knew the name of anybody.
Q There was quite a large colored population in the town at that time? A Well I don't know how many; there was quite a number of them I suppose; the town wasn't so very big then as it is now, I don't believe that the town had more than three thousand inhabitants about that time, in '66.
Q You simply knew her by seeing her pass on the street occasionally?
A Yes, sir, I have spoken to her.
Q You never had any business transactions with her, you say you was a single man? A Yes, sir.
Q Never worked for you? A No, sir, no, I hadn't anybody working; I boarded at that time, wasn't keeping house.
Q How do you know that that was her name? A Well I know - I knew just the same as I know anybody else's name, I knew the woman, and knew that was her name; how I knew it I couldn't tell you all the people, I know their names just by knowing the people.
Q You say you know when she left there? A I don't know when she left, no. I knew her to be there for two years or more from the time I first knew her.
Q How often did you see her? A Oh I saw her quite frequently, quite frequently.
Q Just passing on the street? A Yes, sir, you see those days Fort Scott was a small town, and we knew pretty much everybody in town, as they generally do in a small place.
MR. HASTINGS: You were in the clothing business there, were you? A Yes, sir.
Q And you are yet? A Yes, sir, been in that business since '66.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-711, D-712, D-713 and D-710, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of May, 1908.

P. L. Rector
Notary Public.

STIPULATION. The testimony [illegible] in the case of [illegible] part of the record in the case of Ida Young, L-[illegible], [illegible] Walker, L-[illegible], Lennie Higgins, L-[illegible], and in the case of [illegible] Walker, [illegible], the same being the same as [illegible] records of the Commission and all of the above applications are represented by Walters & Dority, [illegible] Street.

Arthur [illegible] being first duly sworn, states that he is acquainted in the application to the above entitled cause, is versed in fact the testimony and transcript in the above case, and that the foregoing is a true and correct transcript of the stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of July, 1932.

FILED
JUL 18 1932
[illegible]

T. Lewis.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 22, 1902.

In the matter of the application of Emily Walker for the enrollment of herself and children as Cherokee Freedmen.

SUPPLEMENTAL TO 4-916.

APPEARANCES:
Lewis A. Brown, representing Wallace & Smith, for applicants.
W. W. Hastings for Cherokee Nation.

DAVID LEGGE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A David Legge.
Q What is your postoffice, Mr. Legge? A Lawrence, Kansas.
Q What is your age? A I will be 68 years old my next birthday, I was born January, 1834.
Q Did you ever know a colored woman by the name of Emily Grimmett? A Well I knowed of her, I don't know as I would know her now if I would see her, but then I did know her at the time.
Q Well when did you know her? A Well the best of my knowledge the time when I came back to Kansas, it was in the fall of '66, I came back to Kansas.
Q Well where was Emily Grimmett living at that time? A Why she lived out north of the bridge in North Lawrence, it was called Bridge Street.
Q Bridge Street? A Yes, sir, on the south of the river was called South Lawrence, but on the north side, there was a town on the north side, and that's called Bridge Street.
Q How long did you continue to live in Lawrence? A Well backwards and forwards to Lawrence for a year and a half or two years.
Q How long did you continue to know this woman? A Oh, I think that it must have been a year and a half, maybe two years.
Q And you knew her first in the fall of '66? A The fall of '66.
Q Well then when did you move out of the town? A In the spring of '67 I left town, went to work for a man by the name of Robinson.
Q Well did you know her up to that time? A Well I knowed of her being there, I can't say that she was there all the time at that place, but then there was a man there that brought my attention on Bridge Street, some white man; they said she had married, and that he was her husband.
Q Well what was his name? A Well I think they called him Grimmett, won't be sure.
Q Called him Grimmett? A I think so, won't be sure now, I never bothered much around there after they had, that is after I went to the country thinking they didn't come that road.
Q Well you think this man's name was Grimmett? A I won't be sure, but I say it seems to me like that they called him Grimmett, they used to, I am satisfied they called her Walker at the time.
Q Called her Walker at the time? A Yes, sir.
Q Well do you know whether that was her maiden name or whether that was her husband's name or what? A I couldn't tell you that.
Q But she went by both names? A Yes, sir, that is what people said, I don't think that ever I said a word to her in my life, not to her individually.

MR. BROWN: Is she quite her name Grimmett by reason of the fact that she married a white man up there by the name of Grimmett, is that it? A I don't know that she married this man; I know that he was her man.

Q Well now was she married when you first become acquainted with her? A I couldn't tell you that either.
Q Where was she living when you first become acquainted with her? A On Bridge Street where she was living last I know of her, out north of the bridge.
Q When did you move to that vicinity yourself? A Moved from it? Q To it? A Well I moved, I didn't move there-I came in on travel from Colorado in the fall of '88, September.
Q Well now that's been a long time ago, hasn't it, about 37 years ago? A Yes, sir, that's been a good while.
Q Now you don't remember exactly when it was that you got acquainted with that woman, do you? A Well I remember this much about it; I can't say that I know the dates when I got acquainted with her, but it was after I came there.
Q Sometime after you came back? A Yes, sir.
Q Nor can you swear positively how long that she stayed in that vicinity after you come there, can you? A Well, the house and the goods there where she was at was there when I went onto the other farm to work.
Q Well we are talking about the woman now. A Well she must have been, the man was there, man they said was her husband after I went out there to work, and whether he was her husband or not I can't tell you.
Q Well now you say you never spoke to this woman in your life? A Not as I know of in my life., but other folks told me who she was, and I asked lots of people who it was living there; at some times I could see them there ~~[illegible]~~ and other times I couldn't see them there I suppose; sometimes when she would go; she had to work out.
Q She was gone sometimes wasn't she before she left there after her goods? A Well I know I missed her at times because I wasn't always on the road.
Q Well now, Mr. Logan, if this woman herself and L. N. Daniels and Walter Williams and Fred Martin and Pollie Stevens have testified that in the fall of '88 this woman was in Fort Gibson, are you going to say that's not true? A I can say that Fred Martin might have been, if there's a Fred Martin with one hand; wasn't there himself.
Q Fred Martin with one hand? A Only just one hand.
Q Suppose that Fred Martin had two hands, will you swear to that? A I don't know, they said he was a Cherokee Freedman, but he had one hand, he could do as much work as anybody, worked on the railroad with him myself.
Q His name was Fred Martin? A And some folks said that he was born that way.
Q Well his name was Fred Martin, wasn't it? A Yes, sir, I think it's Fred Martin.
Q Well you are positive of it? A Yes, sir, I am positive of it.
Q Now if these persons whose names I have mentioned have already testified that this Emily Walker, who has applied here for citizenship, was in the Cherokee Nation in the fall of '88 are you going to say that's not true? A I don't say that it wasn't true; but I am going to say that she was backwards and forwards here or else mighty often at home.
Q Now you claim to have known her for a year and a half or such a matter up there? A Well from eighteen months up to two years.
Q Well now are you going to swear that this woman wasn't in the Cherokee Nation in the fall of '88? A How could I swear that when I didn't keep track of it.
Q You don't know where she was then do you? A I don't know where she was when I didn't see her.
Q There was many times that you didn't see her? A There was times I didn't see her.

MR. HASTINGS: You had no occasion to go to her home every day? A Oh Lord No.

Q You don't know that she was ever away from there to work? A No, I don't know, if she was away from there; I said that how that times sometimes was nobody there and then again they was there.

MR. BROWN: You had no occasion to remember when it was that you first met her did you till the other day, thirty-seven years ago? A Well the reason why that I remember, if you want to, that little circumstance, I can tell the reason why I remember that.

Q Well tell it? A Nels Riley had a wife in the same room; he was said to be Aunt Mariah Burrington's son-in-law, and I was well-acquainted with Aunt Mariah and Uncle Buck, and they lived along the road there, and I used to holler at them very often.

MR. HASTINGS: Uncle Buck Burrington? A Yes, sir.

Q I expect we had better keep you till tomorrow. A No, sir, I couldn't stay.

Q What is your business? A Well I am working good for a living and have been for nine years right there, been standing in the barn doing nothing while I'm here, and another one hired for another.

MR. BROWN: How many times have you been arrested? A I haven't been arrested yet at all.

MR. HASTINGS: Did you know any other colored man up there?

MR. BROWN: Objected to for the reason that it has nothing to do with this case.

MR. HASTINGS: Let him go ahead and get it in the record.

COMMISSIONER: The objection will be noted; answer the question.

MR. HASTINGS: Did you know any other colored man up there? A Yes, sir, I know others.

Q Name some of them? A Oh, some of them that I did know at one time.

Q Yes. A That was said to be Cherokee freedmen; I know lots of folks that's there now.

Q Well that was said to be Cherokee freedmen? A Old Uncle Buck Burrington was one; Spencer Bell was one, I think Spencer Bell died in Ottawa, I won't be sure, he was buried in Lawrence so I've told, I wasn't there to the funeral, but they told me he was buried in Lawrence.

Q Did you know Ben Bean? A I did and Bill Bean.

Q Know Rachel Bean? A Yes, sir, I knowed of her and knowed her and was acquainted with her.

Q How long did you know her there after the war? A Oh, I can't say after the war, I went there, I was in Colorado the fall of '68 and I came back to Lawrence, and I got acquainted with them there, because at that date I was gone a while and so was Ben. Bill Bean has a son in North Lawrence, named him Bill after him, and goes by the name of Bill Bean.

MRS. JAMES SMITH, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Mrs. James Smith.

Q What is your postoffice? A Why I live on 821 Lincoln Street, Lawrence.

Q Kansas? A Yes, sir.

Q How long have you been living there? A Oh, I have been living in Lawrence about twenty-five years.

Q You have been living there longer than that, haven't you; what year did you come there in?

MR. BROWN: Question objected to as leading, in the has already stated that she has been there twenty-five years.

Witness: I came in '[illegible] I was back and forth you know after came to Lawrence the second time. Then I got married and settled down.

Q. MARTINEZ: How long did you live there when you came there in '97? A Stayed there till the latter part of '98, and then I went out west to Junction City.

Q Did you know a colored woman up there by the name of Emily Grimmett or Emily Walker? A I know we always called her Mrs. Grimmett, I never knew of Walker; I heard though something about Walker, I always called her Emily Grimmett; that's what we called her, and Mrs. Burrington told me that was her name when I got acquainted with her.

Q When did you get acquainted with her? A I guess it was in '97.

Q How long did you continue to know her? A Oh, when I came to learn why I would see her off and on of course, I seen her, and well I went west, off and on until I went out west.

Q Well when did you go west? A The latter part of the year; I couldn't tell you exactly what time.

Q Well the latter part of what year? A '98.

Q Where was this woman living when you knew her, on what street I mean? A Oh, she lived up on Bridge Street, where Mrs. Burrington lived when I first got acquainted with her.

Q Did she have any man living with her as her husband? A She didn't have she said; they said she was a married woman; I didn't know of course; she was a stranger to me and she had two little children I know, and Mrs. Burrington said she was a married woman, and that she had married a German, that's what she said, she had married.

MR. BROWN: What was the German's name? A I don't know his name.

Q What did you call him? A I couldn't tell you what his name was; they called him a Dutchman was all I know; I never seen the man, and wouldn't know him if I was to see him.

Q Would you know the woman if you was to see her? A Hardly I guess, been a long time since I seen her.

Q What year did you go to Lawrence in? A 1867.

Q What time of the year? A Fall.

Q How long did you stay there? A How long did she stay?

Q You? A I stayed till 1868.

Q Where did you go to from there? A Junction City.

Q How long did you stay there? A Four or five days, more than that I guess.

Q Which was it? A I don't know what it was; I didn't keep track of it because I didn't have any need to.

Q Did you have need to keep track of the time you got acquainted with this woman? A No.

Q How do you fix the date? A I fix it because I knew when I come down here in the winter, well I got back in the winter.

Q You mean here to this country? A Down to Lawrence from Junction City, and stayed till winter.

Q That's how you fix the date, because you come down in the winter? A Along in the winter of '97, and went back.

Q How do you know it was '97? A How do I know it was '97? Because it was '97.

Q What year were you born? A What year were I born? Well I know it was in '97, I know that my child was born in '98, and that's the reason I knew it was '97 when I come here.

Q What year were you born? A I was born in '44.

Q How old are you? A I don't know, sir.

Q And where did you go when you left Junction City? A I come down here to Lawrence.

Q Been living there ever since? A Living there ever since.

Q What did you do for a living along in '97 and '8? A I worked.

Q What kind of work? A House work.

Q What year were you married? A I don't know what year.

Q How long had you been to Lawrence when you got married? A I don't know how long.

Q About how long; ten years? A No, sir.

Q Five? A I don't know whether five or six; I know it ain't ten.

Q How many children did you have before you were married? A I don't know as I had any before I married.
Q Didn't you have some before you married? A Don't know as it's any of your business if I did. I had children before I was married? No.
Q You swear you didn't? A Yes, sir, I said when I came down to Lawrence, I got married in '88.
Q And you were living, as you state, in Lawrence five or six years? A Came down in '87 and my little girl as I stated was born in '88, May, 26th day of May.
Q And you have already stated that you was living in Lawrence five or six years before you married? A Well I knew I was.
Q Then your child was born the next year after you came there? A Yes, sir.
Q Then you had a child five or four years old before you married? A Yes, sir.
Q You had a child four or five years old before you married? A Yes, sir.
Q Why did you tell me a while ago that you didn't have? A I didn't say I didn't have; I didn't know as it was any of your business if I did have one.
Q Didn't you say a while ago that you never had a child until after your marriage? A I said I didn't know as it was any of your business. I said that.
Q And if you told me a while ago that you didn't have a child before you were married you testified to that which wasn't true? A Yes, sir, I said that I had a child.
Q Well now when you told me a while ago that you didn't have a child before you married you were testifying to that which was not true? A Yes, sir, I testified to that, I told you I had a child before; I said that, and then you kept asking me if.
Q What was your name before you were married, Mrs. Smith?
A My name was Parthenia.
Q Parthenia what? A Williams.
Q Where did you live from '87 until the latter part of '88? A I lived in Lawrence.
Q What kind of a house did you run? A I run a white folks' cook kitchen; that's what kind of a house I run; for General Babcock, worked for him, and you can get my recommendation in Lawrence if you want it.
Q Well were you personally acquainted with this woman about whom you have been testifying? A I said that I seen the woman, was acquainted with her by going to Mrs. Buffington's.
Q Were you personally acquainted with the woman about whom you are testifying? A Why I seen her.
Q Were you personally acquainted with her? A I knew her, see her.
Q Did you visit her? A Why no, she was living next door to Mrs. Buffington, she and the children.
Q What was the children named? A I don't know.
Q Do you remember whether the woman you are testifying about is the same woman that's applying here or not? A It's the same name.
Q I am talking about the woman; do you know whether it's the same woman or not? A I knew Sally Grimmett down there.
Q Do you know whether it's the same woman or not.
COMMISSION: Answer the question if you can, Mrs. Smith. We are losing a whole lot of time here.
Witness: I mightn't know her because it's been so long since I knew her.
MR. BROWN: Where was this woman in the fall of '88? A '88, I don't know.

MR. HASTINGS: Do you know whether or not she was known as a Cherokee slave or a Cherokee darkey or not? A I never asked her anything about that; I heard she was going down to the Nation, Mrs. Buffington said; I don't know anything about it because I was working, and don't know anything about that.

CHARLES SNOW, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A My name is Charles Snow.
Q What's your age? A 76.
Q What's your postoffice? A Lawrence.
Q Where did you live in '68? A In Lawrence.
Q Have you lived there since that time? A Yes, sir.
Q What was your business in '65, '6, and '7? A Baker there.
Q Baker? A Yes, sir.
Q Did you ever know a colored woman by the name of Emily Grimmett?
A Yes, sir.
Q Where did she live? A She lived there on Bridge Street.
Q How far did she live from your place of business? A Well it was but short distance away, two or three hundred yards.
Q Do you know whether she was married or whether she lived with anybody as her husband? A Yes, sir.
Q Do you know what his name was? A No, I don't know who.
Q Did you ever hear his surname called? A No, I don't know as I did.
Q Don't know as you did? A No.
Q How long did you continue to know this woman? A Well I knowed her personally in '66.
Q Well how long did you continue to know her; how long did she live there? A Up to the year '76.
Q Did she live at this same place? A Yes, sir, as far as I know she did.
Q Did you see her frequently? A Yes, sir.
Q Where did you see her? A On the street about town.
Q Did you know whether she was known as a Cherokee darkey or not?
A I don't.
Q You don't know about that? A No, sir.
Q You know that she was living with some man up there? A Yes, sir, a white man.
Q White man? A Yes, sir.
Q Would you know his name if you would hear it? A I don't know whether I would or not.
Q Was his name Jones, or Smith, or Walker? A Something like Walker more than anything else, still I don't know.
Q You wouldn't be certain? A No, sir.
MR. BROWN: Wasn't his name Grimmett now? A Sir?
Q Wasn't this man that she lived with name's Grimmett? A Not that I know of.
Q You don't know what his name was, do you? A No, I don't know.
Q This fellow Dave Logan he would know what his name was wouldn't he?
A Probably he would.
Q Well now what year did you say that she left there in? A Well I don't know what time she left. I know the time I left there myself, and she was there in '76.
Q When did you leave there; in '6? A '71. Bought a place of land there.
Q She left in '76 and you left in '71? A That's the last time I saw her.
Q In '76? A Yes, sir.
Q When did you leave Lawrence? A Left in '71.

Q Well now who left first, you or her? A I couldn't tell you.
Q Then you didn't see her from '96 to '97? A No, sir.
Q Although she lived in two or three hundred yards of your house?
A Yes, sir. I moved out of town in '97.
Q Well now where were you from '96 till '97? A I still lived in town.
Q Where was she? A I suppose she was there yet as far as I knew.
Q Well was she there? A I think she was.
Q Then you were mistaken when you said she left there in '96? A I didn't say she left there in '96.
Q Well you say you knew her there until '96? A I left there in '97 myself, and '96 was the last time I saw her.
Q What month? A It was along in the fall sometime.
Q Well, about October? A Well it was something near October or November, latter part of the year.
Q Well now, Mr. Snow, there were a great many people living around there during that time wasn't there? A Yes, sir, there was sure.
Q Great many colored people? A Yes, sir.
Q How is it that you remember the exact time that you first saw this woman and the exact time, even to the month, that you saw her for the last time? A I don't say the month at all, sir.
Q How is it you remember as to yours? A Because the reason I know this year on account I was boarding with a woman, it was in '88, the time they was building the Union Pacific Railroad, and we was keeping boarders, and there was some talk about this lady and this white man living together, and we were talking about them on the porch, and after a while they came down the road, come down the street, and they said that's the lady that lives with a white man.
Q Well I can't- A Well I say we was having a conversation there on the porch about this colored woman and the white man living together, and finally one of the boys says, "There goes the lady," he says, "that lives with a white man," and I knew as he said how they ought to be tarred and feathered, or something of that kind.
Q Both of them? A No, sir, the white man.
Q What year was that? A That was in '86.
Q What time of the year? A That was along in the summer sometime.
Q Well now, Mr. Snow, if this woman herself and a man by the name of L. D. Daniels, and a woman by the name of Hester Williams, and another woman by the name of Pollie Rivers, and a man by the name of Fred Martin, have sworn that this woman was in Fort Gibson in the fall of '86, are you going to say that's not so? A Well, she was there in '86.
Q All the time? A I won't say that she was all the time; I saw her frequently.
Q Well I am speaking now of the fall of '86. A Yes, sir, she was there in '86.
Q The fall of '86? A Yes, sir.
Q Was she there in the spring of '86? A She was along in the summer along in '86. Well now we are talking about the woman, I know she was there in the summer, yet I hear men that have sworn that she wasn't. I saw her frequently.. I don't know that it was then at that time or not.
Q You wouldn't swear that she wasn't in Fort Gibson during the fall of '86, would you? A Yes, sir, I think-
MR. HASTINGS: Did you see her quite frequently from '86 until '96, that's just like anybody else that's living in the town? A Yes, sir.
MR. BROWN: Mr. Smith, you didn't see her when she wasn't there of course? A Sometimes I wouldn't see her, no.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Ida Young, D-711, Rena Walker, D-712, Hannah Higgins, D-713, and in the case of Emily Walker, D-714, the same being the cases at bar. It appears from the records of the Commission that all of the above applicants are represented by Mellette & Smith, who appear by Lewis T. Brown.

Arthur S. Greninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur S. Greninger

Subscribed and sworn to before me this 1st day of July, 1902.

G. T. Rutter
Notary Public.

D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee freedman.

Applicant appears by Lillard & Smith. Cherokee Nation, by W. W. Hastings.

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Lucy Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17205 filed in the Mariah Hayden case D 1428, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Molly Bolden, D 880.

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in such individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily Walker et al., as Cherokee freedmen, consolidating the applications of

Emily Walker et al	Cherokee Freedmen D 710
Ida Young et al	Cherokee Freedmen D 711
Emma Walker	Cherokee Freedmen D 712
Hannah Briggins et al	Cherokee Freedmen D 713

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Emily Walker (formerly Grimmett), for herself and her minor children, Fred, Flora, and Bertha Walker; by Ida Young for herself and her minor children, Pet L., Caroline and Emma Young; by Emma Walker for herself; and by Hannah Briggins for herself and her minor child, Lettie Briggins.

The evidence shows that the applicant, Emily Walker, (formerly Grimmett), was the slave of a Cherokee citizen residing in the Cherokee Nation at the commencement of the rebellion; that she went out of said nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said nation.

The evidence further shows that all the other applicants herein are the descendants of said Emily Walker, born since 1866, and have no right to enrollment except such as they may have acquired through her.

None of the applicants herein, then living, can be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Emily Walker, Fred Walker, Flora Walker, Bertha Walker, Ida Young, Pet L. Young, Caroline Young, Emma Young, Emma Walker, Hannah Bringing and Lottie Bringing should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901
ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 12th, 1901, in the matter of the application of Emily Walker et al for enrollment as Freedmen of the Cherokee Nation.

Mellette & Gunnell

Attorneys for Applicants.

Cherokee F. #D710.

COPY.

Cherokee Commission
D-720 et seq.

Muskogee, Indian Territory, May 6, 1904.

Edgar Smith,
Attorney for Emily Walker et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Driggins as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Register
Enc. D-188.

COPY.

Cherokee Freedmen
D-710 et al.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Driggins as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-186.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-710 et al.

Muskogee, Indian Territory, May 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Emily Walker et al., including the Commissioner's decision dated April 29, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet Lu, Caroline and Emma Young, Kenneth and Lottie Driggins as Cherokee freedmen.

Respectfully,

T. B. Needles.

Through the Commissioner of Indian Affairs. Commissioner in Charge.

Enc. D-187.

COPY.

Cherokee Freedmen
D-710 et al.

Muskogee, Indian Territory, May 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Emily Walker et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lettie Briggins as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-187.

COPY.

Cherokee Freedmen
D-710 et al.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 29, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-186.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-718 et al.

Muskogee, Indian Territory, May 3, 1904.

Roger Smith,
Attorney for Emily Walker et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. B-188.

COPY.

Cherokee Freedmen
D-710.

Muskogee, Indian Territory, May 5, 1904.

Emily Walker,

Welch, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting among others, your application for the enrollment of yourself and your minor children, Fred, Flora and Bertha Walker, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register

Enc. D-181.

COPY

Refer in reply to the following:
Land 31091-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 5, 1904, transmitting for your consideration the applications of Emily Walker, et. al., as Cherokee Freedmen.

April 20, 1904, the Commission rejected the applicants.

From an examination of the record of the evidence it appears that Emily Walker- who was formerly known by the name of Emily Grimmitt, for herself and her minor children, Fred, Flora, and Bertha Walker, and Ida Young, daughter of said Emily walker, for herself and her minor children, Pet L., Caroline and Emma Young; and Emma walker for herself and by Hannah Briggins for herself and her minor child Lettie Briggins, make application for enrollment.

All of said various applicants are descendants of said Emily Walker (Emily Grimmit), born since 1866 and have no right to enrollment except such as comes to them through their said ancestor, Emily Walker - and if she has no right, and the said descendants do not come within some provision of some statute giving them a right independently of the right of inheritance, they are not entitled to enrollment.

And it appearing from the record that the said Polly Walker was a slave of a Cherokee citizen residing in the Cherokee Nation at the commencement of the rebellion that she went out during the rebellion and did not, according to the weight of the testimony in her opinion return thereto within the time specified in the decree of the Court of Claims rendered on February 2, 1904, in the case of Lewis Ultimate, trustee, etc., vs. the Cherokee Nation, et also for the return of freedmen to said Nation,

It is therefore recommended that action of the Commission rejecting said applicants for enrollment be sustained, and that said Polly Walker, Fred Walker, Vera Walker, Martha Walker Ida Young, Pet K. Young, Caroline Young, Emma Young, Rose Walker, Hannah Buggins and Lettie Buggins should be denied enrollment as Cherokee freedmen, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898, (30 Stats., 495) and that it be so ordered.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MM

W.C.F.

J.P.

D.C.18822-1904.
I.T.D.4236-1904.
L.R.S.

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

Commission to the Five Civilized Tribes, June 3, 1904.

Muskogee, Indian Territory.

Gentlemen:

May 5, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Emily Walker, et. al. (F.D.-710 et al.), including your decision of April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

W.C.J.

J.J.

FH

D. S.

16220-1904.

I.T.D. 4256-1904.

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 5, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Emily Walker, et. al. (F.D.720 et al.), including your decision of April 29, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Kettie Briggins.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee freedman
D.710

Muskogee, Indian territory, June 14, 1904.

Emily Walker,

Welch, Indian territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting among others, your application for the enrollment of yourself and your three minor children, Fred, Flora and Bertha Walker, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 720, et al.

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 28, 1904, rejecting the applications for the enrollment of Emily, Fred, Nora, Martha and Anna Walker, Ida, Pet L., Caroline and Anna Young, and Hannah and Lettie Driggins as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 714, et al.

Muskogee, Indian Territory, June 14, 1904.

[redacted]ith,

Attorney for Emily Walker, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, and Hannah and Lottie Briggins as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 8, 1904.

Respectfully,

Chairman.

C O P Y.

L. P.

THE

DEPARTMENT OF THE INTERIOR,

D. C. 83619-1904.
I. T. D. 4236-1904.
9187-

WASHINGTON, December 9, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

For your information there is inclosed herewith a copy of departmental letter of even date to Messrs. Sims & Bulger, relative to the Cherokee Freedman case of Emily Walker, et al, the subject of departmental letter of June 2, 1904.

Respectfully,

F. L. Campbell

1 inclosure.

Acting Secretary.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

D. C. 42619-1904 WASHINGTON, November 9, 1904.
I. T. D. 4236-1904
9187-

Messrs. Kim & Kalger,

Vinita, Indian Territory.

Gentlemen:

The Department is in receipt of your letter of November 1, 1904, submitting a petition in the Cherokee Freedman case of Emily Walker, et al.

You are advised that on June 3, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes adverse to the applicants in a case which is apparently the one to which you refer.

The Department long ago, in numerous cases, placed its interpretation upon the law governing in such cases; it must therefore refuse to grant your request to have the United States Indian Agent, Union Agency, suspend action upon proceedings before him for possession of the land occupied by Emily Walker, and give you ten days from November 15, 1904, to present your "views of the law."

Assuming that possibly you are aware of the decision of the Department in this case, and intended the petition as a motion for review of such decision, you are advised that motions for review in such cases are not granted on the grounds (mainly those in the petition) that the decision is against the

weight of evidence, if fair minds may reasonably differ as to the conclusion that should be drawn from such evidence. Furthermore, you are advised that while the records of the Department show that Richard W. Bice of Columbus, Kansas, has been admitted to practice before the Department, the name W. J. J. Bulger does not appear upon the records and files.

The claimants had a fair trial, were represented by attorney, and your petition does not point out, specifically any errors of law or fact which would warrant the Department in reopening the case. The petition is therefore denied.

Respectfully,

F. L. Campbell

Acting Secretary.

Muskogee, Indian Territory, May 28, 1906.

Pike & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MC

REFER IN REPLY TO THE FOLLOWING:

Cherokee freedman

R-375

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 28, 1906.

Emily Walker,

Welch, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

Wm. O. Beall,

Acting Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedman enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

EMC
Encl. C-2

B J.D. 710

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 12 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 12 1901

Date

Post Office Welch I.T.

District Delaware

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Walker Citizenship

Doubtful

1 7. Name of wife Emily ~~Grimmett~~ Age 60+

Owner's name Bill Grimmett - dead Citizenship Cherokee

Year K.C. Page 157 No. 3884 District Coo

Parents:

Father Jack Ratcliffe - dead Citizenship

Mother Sylvia Grimmett - dead Citizenship

Names of Children:

2 8.	Fred	~~Grimmett~~ Walker	Year K.C.	Page 157	No. 3883	Dist. Coo	24
3 9.	Flora	"	Year "	Page 157	No. 3890	Dist. "	19
4 10.	Bertha	"	Year "	Page 157	No. 3891	Dist. "	17
6.			Year	Page	No.	Dist.	
7.			Year	Page	No.	Dist.	
8.			Year	Page	No.	Dist.	
9.			Year	Page	No.	Dist.	
10.			Year	Page	No.	Dist.	
11.			Year	Page	No.	Dist.	
12.			Year	Page	No.	Dist.	

Doubtful

Application made by No. 1 Stenographer M. D. Green

1, 2, 3, and 4, Surnames on K.C. roll as Grimmett

Represented by Mullette and Smith, Vinita, I.T.

FILLED
MAR 22 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.

Commissioner of the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Emily Walker,

~~Walch, Indian Territory.~~

Opened by a
ordinate Army Colonel
of Walker

Removed

DW-3/5

Cher. Fr. R. 376

See Cher. Fr. R. 375

Cher. Fr. R. 376

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Ida Young for the enrollment of herself and three children as Cherokee Freedmen, being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Messrs. Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Ida Young.
Q How old are you? A 31.
Q What is your post-office address? A Welch, I. T.
Q What district do you live in? A Delaware District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Self and three children.
Q What are the names of your children? A The oldest one is Pet Lenoie, that is her given name.
Q Pet L. Young? A Yes sir.
Q How old is she? A 14.
Q What is the name of the next one? A Caroline.
Q How old is she? A 11.
Q Next one? A Emma.
Q How old is Emma? A 9.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Young.
Q Is he a citizen? A No sir.
Q What is your mother's name? A Emily Grimmett.
Q Is she the Emily Grimmett that has just been listed for enrollment? A Yes sir.
Q What is your father's name? A Frederick Walker.
Q Is he living? A No sir, dead.
Q Is your name on the roll of 1880? A I don't know.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not identified thereon.
Kern-Tiffin pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 158 #3896 Ida Grimmett, Cow Cow Cowee District;
page 158 #3897 Pet Grimmett, Cow Cow Cowee District;
page 158 #3898 Callie Grimmett, Cow Cow Cowee District;
page 158 #3899 Emma Grimmett, Cow Cow Dist.
Wallace roll of citizens of the Cherokee Nation examined for applicant and name not found.

Q Are these children all living at this time? A Yes sir.
Q Where were they born? A In Vinita.
Q In the Cherokee Nation? A Yes sir.
Q When were you born? A In Gibson, Ft. Gibson, Cherokee Nation? A Yes sir.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Never lived out of it? A Never did.
Q Where were you married? A In Vinita.
Q When were you married? A About 1897.
Q William Young was your first husband? A Yes sir.
Q Are you his first wife? A Yes sir, I guess so.
Q So far as you know? A So far as I know.
Q Have you and he lived together ever since you were married? A Yes sir.

Commissioner Needles: Mrs. Young applies for the enrollment of

Ida Young et al #

Herself and three children, to-wit: Pat L., Caroline and Sunny, she avers that she was married to one William Young, with whom she is now living; said William Young is father of said children; she is not identified upon the authenticated roll by letter or the census roll of 1896; but she and their three children are identified upon the Kern-Clifton roll as Ida Grimmett and her children, as Grimmett, instead of Young, Grimmett having been her maiden name, and she being enrolled by that name; she avers that she is a child of Emily Grimmett, or Emily Walker, or has this day been listed for enrollment as a Cherokee freedman upon D card 710, and the testimony taken in the application of said Emily Walker who has been listed for enrollment on D card 710 will be made a part of the record in the case at bar, and a copy of same will be filed herewith; consequently, said Ida Young and her three children enumerated herein will be listed for enrollment as Cherokee freedmen on a doubtful card, awaiting the further consideration of the Commission; she will be notified by mail of the action of the Commission.

SUPPLEMENTAL to judgment.

APPLICANT examined by MR. SMITH:

Q. Your children all named Young? A. Yes sir. Since I have been married they go by the name of Young.
Q. Was Young the father of these children? A. Yes sir.
Q. Who was the father of these children? A. Allen Doty.
BY COMMISSIONER KENDRICK:
Q. Were you ever married to Allen Doty? A. Yes sir.
Q. Well now do these children go by the name of Young? A. Yes sir.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 21, 1901.

Commissioner.

[illegible] Walker applies for the enrollment [illegible], Fred, Flora and Dorthy. She [illegible] of the Grimmett family, and that [illegible] married [illegible] Walker, a white man, now deceased. [illegible] upon the authenticated roll of 1880 [illegible] of 1896; she is duly identified upon the [illegible] she swore that she and the witness [illegible] slave, and that she never lived outside [illegible] during the war, and never held a residence [illegible] since. The evidence produced clearly [illegible] she is entitled to be listed for enrollment as a Freedman; as is her children, but by reason of [illegible] that the Cherokee Nation, by its representative, proposes [illegible] the enrollment of said Emily Walker, she will, [illegible] be listed for enrollment as a Cherokee Freedman [illegible] doubtful card, as well as her children. Fred, Flora [illegible] that she will be notified by mail of the decision of [illegible] when arrived at in her case. She is now going [illegible] the name of Emily Grimmett, that having been her maiden name or the name of her master, but her only marriage according to the testimony was to one Fred Walker.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green.

Subscribed and sworn to before me this June 21, 1901.

(signed) T.B. Needles.
Commissioner.

[illegible] duly sworn, stated that as stenographer to the

File with C.F. D-711, Ida Young, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 12, 1906.

In the matter of the application of [illegible] for the enrollment of herself and [illegible] as [illegible] freedman; being sworn and examined by [illegible], she testified as follows:

Appearances:
Messrs. Mellette & [illegible], for the applicant;
Mr. Jas. Davenport, for the Cherokee Nation.

Q What is your name? A [illegible]
Q What is your age? A [illegible] or more.
Q What is your post-office? A [illegible]
Q What district do you live in? A [illegible]ward.
Q You apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A Three children
Q Are they under age? A Yes sir.
Q Give me the names of the children? A Freddie.
Q How old is Fred? A [illegible]
Q What is the name of the next one? A Flora.
Q How old is Flora? A 12 [illegible]
Q What is the name of the next one? A Bertha.
Q How old is Bertha? A [illegible]
Q That all? A That's all under age.
Q How many have you got that's over age? A Four.
Q Is your name on the authenticated roll of 1880? A It ought to be
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
Nera-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 157 #3884 Emily Grimmett, Cooweescoowee District,
page 157 #3889 Fred Grimmett, Cooweescoowee District,
page 157 #3890 Flora Grimmett, Cooweescoowee District,
page 157 #3891 Bertha Grimmett, Cooweescoowee District.

Q Are you married? A I am a widow.
Q What was your husband's name? A Fred Walker.
Q Have you married since? A No sir.
Q How does your name happen to be Grimmett if your husband was named Walker? A My master was named Grimmett.
Q But your name is Walker now? A Some calls me Walker and some calls me Grimmett.
Q What do you call yourself? A I just go by what they call me.
Q How long has your husband been dead? A 12 years or more.
Q What's Fred's name? A Walker.
Q These children are all named Walker aint they? A Yes sir.
Com'r: Her name is Walker.
Q Were you ever married more than once? A No sir.
Q Your name before you was married then was Grimmett? A Yes sir.
Q What was your father's name? A [illegible] Jack Ratliff.
Q What was your mother's name? A Sylvia Grimmett.
Q You never went by your father's name? A No sir.
MR. SMITH:
Q You say you have always been known as Emily Grimmett? A Yessir.
Q Was you a slave? A Yes sir.
Q Who did you belong to? A Billy Grimmett.
Q Have you some witnesses here? A Yes sir.
Q Was Billy Grimmett a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Flint District.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A At the breaking out of the war I was living in Tahlequah.

Q Did you go out of the Nation during the war? A No, I didn't go out right away.
Q Did you go out at all while the war was going on, if so, state where you went to? A I followed the soldiers around.
Q When did you come back to the Cherokee Nation after the war was over? A I pretty much was around in the Nation, until all the soldiers, directly after the war was settled.
Q I don't understand you exactly; when did you first come back to the Cherokee Nation, if you went out during the war? A It was in '68.
Q Where did you come to? A In Gibson, Ft. Gibson.
Q Who came with you to Ft. Gibson? A Cherokee woman named of Mrs. Wesley.
Q How long did you stay about Ft. Gibson after you got to Ft. Gibson at that time? A I just stayed around and worked backwards and forwards right in Gibson, first one place and another.
Q How many children have you besides the ones you apply for here, Fred, Flora and Bertha? A I have three.
Q How many children have you now over 21 years old? A There would be five.
Q Give us the names of your grown children? A Charley.
Q Charley Grimmett or Walker? A Charley Walker.
Q Was he sometimes called Charley Grimmett? A Yes sir.
Q Well tell all, what other grown children have you? A Ida Grimmett.
Q Is Ida married or single? A She is married to Will Young.
Q Her name is Ida Young? A Yes sir.
Q Where does Charley live? A Charley Walker is working now on the road, working for a drummer, in Texas.
Q Where does Ida, your married daughter, live? A She lives in Delaware district, up there close to Vinita.
Q Now then, Charley and Ida we have spoken about, whatother grown child have you? A Sebron, he is dead though.
Q What other then besides Sebron? A Emma.
Q Is she married or single? A She is single, and lives at home with me.
Q Is she the daughter of your husband whose name was Walker? A Yes sir.
Q Her name then is Emma Walker? A Yes sir.
Q Is she sometimes known As Emma Grimmett? A Yes sir.
Q Where does Emma live? A Lives with me in the house withme.
Q Where do you live? A I live 22 miles from Vinita, on Timbered Hill.
Q Is Timbered Hill in the Cherokee Nation? A Yes, sir, in Delaware district.
Q You have mentioned Charley and Sebron, who is dead, and Emma and Ida, now is there another one? A Hannah.
Q Is she married or single? A She has beenmarried.
Q What was her husband's name? A Oscar Briggins.
Q Where does Hannah live? A With me.
Q At your home on Timbered Hill, in the Cherokee Nation? A Yes sir.
Q Does she go by the name of Hannah Briggins, or Hannah Walker, or Hannah Grimmett? A She used to go by both, she goes by Briggins now.
Q How old did you say you are, Aunt Emily? A About 60 some odd years old, I don't know exactly.
Q What is the reason you don't remember the names of your children any better than you did? A My recollection, I can'tstudy it good, my head is not right, I can't think, I have just got out of a bed of sickness and I can't remember good.

BY MR. DAVENPORT;

Q You belonged to Bill Grimmett? A Yes sir.

Q You didn't belong to Bill Grimmett at the breaking out of the war? A Yes sir.
Q Wasn't Bill Grimmett hung some where before the war broke out?
A Young Bill Grimmett was hung, I belonged to his father, named Bill Grimmett, old man, Bill Grimmett, now.
Q Where was old man Bill Grimmett, now.
A Old man Bill Grimmett was at the breaking out of the war.
Q Which one did [illegible] one that died [illegible]? A [illegible] one was hung, or the other one that died a natural death and was [illegible] to the old man.
Q One died a natural death and was [illegible] one was hung during the war? A I belonged to the daughter.
Q Who was his daughter? A [illegible].
Q Name was her name at the breaking out of the war? A Naomi Grimmett.
Q She didn't marry? A No sir.
Q You know what became of [illegible] when the war broke out? A Yes sir
Q Where did she go? A [illegible].
Q During the war? A No, before the war.
Q Then who did you belong to when the war broke out? A I belonged to the Grimmetts.
Q There was still some more of the Grimmetts, which one of them?
A Betsy.
Q Who was Betsy married? A She married into the Taylors, she married Bill Taylor.
Q Did Betsy leave the Territory during the war? A Yes sir, she left home after the soldiers come in there.
Q You know whether or not she ever returned after the war?
A No sir, she was in Ft. Smith I think, I could hear from her.
Q They were living in what district when the war broke out, Betsy and her husband? A Flint.
Q Did you leave the Territory during the war? A Yes sir.
Q Where did you go? A Ft. Gibson.
Q Well, why didn't leave the Territory at all then did you, when the war broke out you didn't go out with the people, either Souther-North? A I was with the soldiers, they went once- they come and took us away.
Q Now since the war where have you been living? A On Timbered Hill
Q When did you move to Timbered Hill? A I have been to Timbered Hill. I couldn't tell just how many years it has been, because when they taken she escape the other time it was about 14 or 15, I can't just exactly think of it, because I don't know the facts.
Q Have you lived any other place since the war except Ft. Gibson and Timbered Hill? A No sir. I haven't lived no place else around Timbered Hill and I worked around Vinita.
Q Who did you work for at Vinita? A I stayed around and worked for aunt Ann Daniels.
Q She was the mother of Mrs. Lucien Harrington? A Yes sir.
Q When you were at Ft. Gibson who did you work for? A I worked for the soldiers, cooking.
Q Aunt Ann Brown was living there at that time? A Yes sir.
Q You knew her? A Yes sir.
Q Have you lived in the State of Kansas any in your life? A No sir.
Q Arkansas? A No sir.
Q Texas? A No sir, I don't know where Texas is.
Q Have you ever lived in any country except the Cherokee Nation?
A Just the Cherokee nation.
Q You don't remember any other country? A No sir.

BY MR. SMITH:

Q Have you any brothers and sisters? A Yes sir.
Q What are their names? A Ben Grimmett, is the oldest brother;
Q You know whether he is on the 1880 roll or not? A I guess so, I don't know, I couldn't swear that.
Q How old is he? A About eight I guess.
Q You don't know? A No sir.

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Q Is he older than you or younger than you? A He is older than me.
Q What is your sister named? A Hacey.
Q You have whether she is on the 1880 roll or not? A Perhaps she maybe, I couldn't say.
1880 authenticated roll of citizens of the Cherokee Nation opposite for applicant's brother [illegible] and identified on parelle #1310 Master Grimmet, Cooweescoowee District; page 108 #1214 Ben Grimmett, Cooweescoowee District. Adopted Colored.
BY MR. DAVENPORT:
Objection on the ground of being immaterial and incompetent, and tending to confuse the records.
Q You stated that you had a brother Ben; what are his children's names? A (No reply.)
MR. DAVENPORT: I object to that.
COM'R NEEDLES: Oh that's too much.
BY MR. NEEDLES, COM'R:
Q I understand you to say to Mr. Davenport that you never went up out of the Cherokee Nation, that you lived at Ft. Gibson all the time during the war? A Yes sir.
Q You never went out of the Cherokee Nation? A No sir.
Q You never went into the state of Kansas during the war?
A No sir.
Q Nor Texas? A No sir.
Q Nor Arkansas? A No sir.
Q Were all the bands? A Yes sir.
Q Why is your name not on the roll of 1880? A That's something wrong about it, because I was right in Tahlequah at Mrs. Jim Staplers, and worked around there.
BY MR. DAVENPORT:
Q You don't mean to say that Jim Stapler was married in 1880?
A Aint Virgie Stapler's mother named Jane.
Q I thought you said Jim? A (No reply.)
L.D.DANIELS, being sworn and examined by Com'r Needles, testified as follows:
BY MR. SMITH:
Q State your name? A L.D.Daniels.
Q Where do you live? A At Checoma's now.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Emily Grimmett, or Emily Walker?
A Yes sir.
Q How long have you known her? A I knew her before the war and I have known her since that time.
Q Do you know whether she was a slave or not? A Yes sir.
Q You know who she belonged to? A Bill Grimmett.
Q Was Bill Grimmett a Cherokee Indian? A Yes sir.
Q What family did she have? A Bill Grimmett was a young man when he were hung.
Q You remember how long before the war he was hung? A I think it was in '58 or '59.
Q What relatives did he have? A I didn't get acquainted with his kin folks, I got acquainted with this ex woman's mother; she always lived in Gibson and hired out all the while, and I lived there too, before the war.
Q Do you know of your own knowledge what became of Emily or where she was during the war? A I saw her there a part of the time to Gibson.
Q When did you first see her after the war closed? A Well I aint certain, I think it was through justbefore the cholera, and the cholera was in '67, somewhere along about April or May or June.
Q You know how long before the cholera was that when you saw her at that time? A Oh she was there after the surrender.
Q How long after the surrender? A She was cooking up there in the

quarters. [illegible] long time [illegible] here in a while, [illegible] very.
Q [illegible] Cherokee people or not dur-
ing the war? A [illegible]
Q [illegible] you spoke
about seeing her? A I [illegible] to the Cheo-
[illegible] to the
Cheo[illegible] '63,
and I [illegible] quarters
there.
Q [illegible]
Q Then did you [illegible] her after [illegible] in '63? A I saw
her there when the Cherokees [illegible] at the soldiers'
quarters, that was in June some [illegible] '63.
Q Then when did you next see her? A I am positive of this
fourth time I saw her, but I think she was there just before the
cholera broke out.
Q You don't know how long before the cholera broke out? A It was
the same spring, that was in '64.
Q Did you see her yourself during the year of '66? A Yes sir.
Q Where? A At Ft. Gibson.
Q What time in '66? A In the summer I believe, or the fall;
soldiers were mustered out in '66, I don't know whether it was May
or June, and Sally were there then I am satisfied of that, because
I remember.
Q And then that time next in '66 that you saw her? A I told
you awhile ago that's what about the fall of '66 and I wasn't
certain but that I remember there in the spring of '67 before
the cholera broke out; that's just what I said.
Q When did you not see her after you saw her just before the
cholera broke out? A I remember that of seeing her in Tahlequah and
I disremember. I had moved away from Gibson and I disremember
what year that was, in the fall she went to Tahlequah there doing
laundry work.
Q Can you state how long it was after '67? A It must have been
seven or eight or nine years, I couldn't say, but I was always
to Tahlequah and she were doing laundry work, and she had a little
girl or two with her, and she had a Dutchman I think was her
husband there; the was gathering up clothes around there, and I
got some of the Council's clothes for her; and I have been hearing
of her some 10 or 12 years over here about Timbered Hills,
over here about Vinejack. I haven't been to her house though.
Q Vinejack is Indian Territory? A Yes sir.
BY COL'H WEEDLES:
Q This Ft. Gibson you speak about is the Cherokee Nation? A Yes sir.
BY MR. DAVENPORT:
Q You use the she belonged to at the breaking out of the war?
A Bill Grimmett.
Q Was the one that had been hung in '63? A I think that's the
same gentleman.
Q He had been hung a out three years before the war broke out?
A Yes sir.
Q She still belonged to him? A Well, was belonged to some of the
family I guess.
Q I asked you if you knew she was belonged to? A Well of course not
he was long hung.
EASTON WILLIAMS, being sworn by Col'n Weedles, testified
as follows:
BY MR. SMITH:
Q State your name? A Easton Williams.
Q How old are you? A I am somewhere along in 50. I was a slave
born, and was persing before the war.
Q Where do you live? A I live up here on Big Creek.

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Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life, only when I was [illegible]
Q Do you know this applicant, Emily Walker, or Grimmett? A Yes sir, she is my sister.
Q Do you know whether she was a citizen by the way or not?
A Yes sir, she [illegible] to the [illegible] I did.
Q She [illegible] in Flint District.
Q That Emily [illegible] A [illegible] Big wife was named Hockey.
Q Did he have any children? A Yes sir.
Q What children did he have? A [illegible], Betsy, John and Bill.
Q Bill [illegible] was heard [illegible] for, which one of them?
A Young Bill. Was born in [illegible].
Q In the old time [illegible] sir, he died before the war, while we was all in home.
Q Where was the Grimmett family, the one of them that didn't die before the war commenced? A They were in Flint, up to the old place; they had two places.
Q Did you live with some of them? A No, they divided me out to one of the daughters, the one that married Houston Ross.
Q Who did Emily belong to? A She belonged to Rachel Grimmett, she was Rachel Fields, when her name was changed.
Q Where was your sister Emily living when the war commenced?
A We was all at home in Flint District.
Q In the Cherokee Nation? A Yes sir.
Q Was this Rachel the one who married Fields, was she daughter of Bill Grimmett? A Yes sir; old man Grimmett.
Q She was a citizen of the Cherokee by [illegible]? A Yes sir.
Q Where did you go during the war? A They took me to Kansas, I was working for another, I went to Mr. [illegible].
Q You know whatever you were taken out? A It was while they was fighting.
Q When did you get back? A I was here in '65, I was here long before the Treaty to tell the truth, at Ft. Gibson.
Q Are you on the 1880 roll? A I don't know, sir.
Q When did you first see your sister Emily Grimmett or Emily Walker after the war? A We was all together at Ft. Gibson, and they carried us to Neosho and brought us back to Ft. Gibson.
Q Who did that? A The Government, they had us as refugees or whatever you call it; we was drawing rations.
Q They carried who? A My sister and everybody else, I couldn't tell you who all.
Q Carried this sister Emily? A Yes sir, and another sister that's dead.
Q What do you mean by carried you to Neosho? A They carried us from Ft. Gibson to Neosho, I don't know what district it's in, but it was Neosho.
Q What was it, a river or town? A Yes, that was it, on that Big river there, but it was called Neosho.
Q Neosho Station or town, do you know whether or not you were taken to a place used to call Neutral Land? A No sir, they called it Neosho, that was the name they called it when we were there, when the soldiers were there.
Q Was it in the Cherokee Nation or did they take out outside of the Cherokee Nation? A I don't know whether it is outside or not, they called it Neosho. They carried us all there and had soldiers there to guard us.
Q You don't know what it was? A I know it was Neosho; they took us from Gibson to Neosho.
Q You remember anybody else, colored people, that was taken there? A Lord, there was two or three hundred negroes carried there, and brought back to Gibson.
Q When did they bring you back? A Just about I reckon along when

[illegible] to be [illegible] [illegible] so much [illegible]
Q [illegible]
[illegible]
Q [illegible] stayed there about [illegible] Gibson? A
I was [illegible] and I went to Ft. Smith with
[illegible] at Gibson, I dont
Q How long did you stay at Gibson after you got back? A I stayed
there [illegible], my mother was there.
Q And when you went away you left her there? A Yes sir, and I left
my [illegible] there at the time.
MR. SMITH: [illegible]
Q You met your sister and then were taken to Neosho? A Yes sir,
not me and her specially, but the whole lot of negroes.
Q That was a town there? A Yes sir, there had been people lived
there, it was a slave state.
Q It was Neosho, Missouri, wasn't it? A I suppose so, they didn't
put the Missouri to it, they told us Neosho.
Q There's there a kind of town there? A Few houses, one or two
houses. The white house sat in the north-east corner and some
other little houses.
Q It was in a valley between two hills? A Yes sir, Neosho was,
about three springs.
Q There was no railroad there at that time? A No sir, there wasn't
no talk of a railroad, because the bushwhackers had everybody a go-
ing.
Q You know where your sister Emily lives now? A She lives at
Timbered Hills.
Q How long has she beenliving there? A I couldn't tell you
that, she has beenliving there long enough to have a fine place.
Q Howlong since she left Chetopa, Kansas? A I couldn't tell you
that, we all was in Chetopa; she went to Chetopa to educate her
child man.
Q Well did she live in Chetopa Kansas until A what? A I don't know
how long she lived there.
Q You know she had a home there? A I couldn't swear that.
Q You don't know whether she owned property there yet around A No
sir, I couldn't tell you that.
Q Youdon't know whether you are on the roll of 1880 or not?
A I suppose I am, if I aint scratched off.
Q You know of anyone being scratched off after it has been rec-
ognized and that was put on the 1880 roll and it had been authen-
ticated? A I don't know sir, I am just talking, because talking is
kinder cheap and sometimes somebody hits the nail on the head.
Q How often since youhave been talking in the interest of the
claimants have you hit the nail on the head? A I don'tknow as I
have done anybody wrong in this court or said any lies.
MR. SMITH: I object to that.
Q You came back to the Nation at what time? A I was here in '86
off and on.
Q How long did you stay here? A Why up to here- I wasn't married.
Q You was in Ft. Smith several years? A No sir, I wasn't, I was
here mostly at Tahlequah; I used to cook for Mrs. Alberty, and
after the war I was here with Mrs. Alberty.
Q Where was your sister during that time? A She will have to give
an account of that herself; I left herin Gibson.
Q You don'tknow where she has beenliving since the war? A She has
been here at Timbered Hill.
Q Howlong? A I don't know.
Q You know she was living there part of the time? A I know she
is living there.
Q She is living there now? A Yes sir, she got a good home.

Q You know whether she ever lived in Parsons? A No sir, she never; I lived in Parsons a while.
Q How long? A Not very long.
Q Did you live there as much as a year? A I don't know as I lived there that long.
Q You don't know how long she lived there? A No sir. I raised my children here.
Q But you did live in Parsons? A Yes sir, I lived in Parsons a while; it was the only place I could get work; I am a cook by trade.
BY MR. SMITH:
Q What children have your A I have only got Sylvia, I had one or two dead.
Q What other children did you have besides Sylvia? A Nathan and Alice, they is the two that's dead.
FRED MARTIN, being sworn by Com'r Needles, testified as follows
BY MR. SMITH:
Q State your name? A Fred Martin.
Q How old are you? A 43.
Q Do you know Emily Grimmett? A I do.
Q How long have you known her? A I have known her pretty near as long as I have known anyone. I can't tell you how many years I did know her; I have knowed her ever since I was a child.
Q Where were you when the Civil War closed? A Ft. Gibson.
Q When did you first see Emily Grimmett after the war? A I saw her while we were at Ft. Gibson, just after the war had closed.
Q You know what year it was in? A It was in '66; she stayed a good while with my mother and father; she was staying with us just before we moved from Ft. Gibson up on Grand river.
Q When did you move from Ft. Gibson up on Grand river? A In the winter of '66.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
BY MR. DAVENPORT:
Q You are about how old now? A 43 years old.
Q And this woman stayed at your father's house and you saw her around there in '66? A Yes sir, I saw her there before we moved away from Ft. Gibson.
Q That was about 35 years ago? A Yes sir.
Q And you remember her now as being the woman you saw there when you were about seven or eight years old? A I do.
BY COM'R NEEDLES:
Q You have known her ever since? A Often and on, ever since.
Q You know whether she has ever lived since that outside of the Cherokee Nation? A No sir.
BY MR. DAVENPORT:
Q Don't you know she has lived outside of the Cherokee Nation?
A No sir, I do not.
POLLY NIVENS, being sworn by Com'r Needles, testified as follows
BY MR. SMITH:
Q State your name? A Polly Nivens.
Q How old are you? A 56.
Q Where do you live? A Ft. Gibson.
Q How long have you lived at Ft. Gibson? A All my life.
Q Ft. Gibson, Cherokee Nation? A Yes sir.
Q Do you know this applicant, Emily Grimmett? A Yes sir.
A How long have you known her? A I have knowed her all my life.
Q Do you know where she was in 1866? A No sir.
Q When did you first see her after the close of the war? A I saw her when I was at Ft. Gibson, a cooking for the generals issuing rations to the refugees just at the close of the war.
Q Do you know what date it was? A No sir.
Q Can you testify to any dates? A No sir.
Q Do you know any dates? A No sir, I don't know nothing about the

dates.
Q You just know you cooked for the refugees? A Yes sir.
Q What refugees? A Cherokees, they was issuing rations to the Cherokees.
Q Where at? A In Ft. Gibson.
Q When was it that you saw Emily Grimmett? A Long when I was cooking for the agent that was issuing rations to the refugees.
Q You knew what children she had? A She had three with her, but I don't remember which ones it was.
You don't remember their names? A No sir, I forget their names, I knowed their names too at that time, but I have forget them now.
MR. DAVENPORT:
Q You know every one of the negroes that was down there at Ft. Gibson at the close of the war? A Pretty near all of them.
Q You remember all of them distinctly now? A No sir. Not all of them.
Q You knew this woman before the war broke out? A Yes sir.
Q Where was she living when the war broke out? A She said she was living at Tahlequah.
Q You don't know who she belonged to? A The Grimmetts.
Q How do you know? A She said so.
Q I asked you if you knew it? A I didn't know it for certain, I just knew her and Mr. Grimmett her master.
APPLICANT, EMILY WALKER, re-called, and further examined;
BY COM'R WEEDLES:
Q Emily, where were these children that you apply for, Fred and Flora and Bertha, where were they born? A On Timbered Hill.
Q In the Cherokee Nation? A Yes sir.
Q You never lived in Kansas? A No sir.
Q Never lived in Parsons? A No sir.
Q Never been there? A I have been up there, but not to live.
Q Where were you married to Walker? A Married by a preacher.
Q I say when and where? A He was a soldier.
Q Were you married to him in the Cherokee Nation or in Kansas?
Q Married in the Cherokee Nation.
Q He was a soldier? A Yes sir.
Q White man? A Yes sir.
Q What was his name? A Fred Walker.
Q Is he dead? A He is dead.
COM'R Well he ought to be.
Q You were married at Gibson? A Yes sir.
Q Did you and Fred ever keep house outside of the Cherokee Nation anywhere? A No sir, kept house- when I come to keep house we kept house until he died, and I buried him.
Q Where? A Out here on Timbered Hill, where I am living, at the grave-yard.
Q Your oldest child Fred was born at Timbered Hill? A No sir.
Q Where was he born? A Charley is the oldest child, he was born in Gibson.
Q Your oldest child of the minors, Fred, where was he born? A On Timbered Hill.
Q You have been living there ever since he was born? A Yes sir.
BY MR. DAVENPORT:
Q Didn't you live in Chetopa and haven't you got property up there now? A No sir, I haven't.
Q When did you dispose of it? A I never had any.
Q Didn't you live keep house and live in Chetopa? A No, I never, I went around doctoring when they would come after me.
BY COM'R WEEDLES:
Q You was a doctor was you? A Well these women you know.
Q Yes, women business? A Yes, women business.
Q You went as far as Chetopa when they sent for you? A Yes sir, I went as far as Ft. Scott for that matter.
Q But never moved up there? A Never moved up there.

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Comes Needles, Emily Walker applies for the enrollment of herself and children, Fred, Flora and Bertha; she avers that she was a slave of the Grimmett family, and that she was married to one Fred Walker, a white man, now deceased. Her name cannot be found upon the authenticated roll of 1880 or the census roll of 1896; she is duly identified upon the Kern-Tiffin pay roll; she avers that and the testimony shows that she was a slave, and that she never moved outside of the Cherokee Nation during the war, and never held a residence out of the Nation since; the evidence produced clearly shows that she is entitled to be listed for enrollment as a Cherokee freedman; as well as her children; but by reason of the fact that the Cherokee Nation, by its representative, protests against the enrollment of said Emily Walker, she will, very reluctantly, be listed for enrollment as a Cherokee freedman upon a doubtful card, as well as her children, Fred, Flora and Bertha; she will be notified by mail of the decision of the Commission when arrived at, in her case. She is now going by the name of Emily Grimmett, that having been her maiden name or the name of her master, but her only marriage, according to the testimony, was to one Fred Walker.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 21,1901.

(signed)T.B.Needles.
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D.Green

Subscribed and sworn to before me this September 10th, 1901.

Commissioner.

To be filed in D 710.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 14, 1902.

In the matter of the application of Emily Walker et al for enrollment as Cherokee Freedmen.

Applicants appear by W. O. Jackson, representing Mollette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TO D-710.

JACOB BAMBERGER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A My name is Jacob Bamberger.
Q What is your postoffice? A Fort Scott, Kansas.
Q What is your age? A My age is 62.
Q How long have you been a resident of Fort Scott? A Well I have been a resident; lived there continuously since '66.
Q What time in '66? A In July.
Q In July? A But I have lived there - I come there first in '64.
Q You went away and came back in '66? A Came back, gone about less than a year, and came back in '66.
Q Did you know a colored woman there by the name of Easter Grimmett? A Yes, sir.
Q When did you know her? A Well I knew her in '66, I wouldn't say as I knew her in '64 or not, I knew her in '66.
Q How long did you continue to know her? A I continued to know her two years or more after I first saw her.
Q Did she have a sister there? A She did.
Q Was she older or younger than she? A She was older.
Q Do you remember her name? A I do not.
Q Do you remember their mother Sylvia? A I do not know her mother's name.
Q You don't remember the name of her oldest sister? A No, I don't.
Q But you know that she had one? A I know she had one.
Q And she lived with her when she lived there? A Yes, sir.
Q You know that they lived there for two years or more after July of '66? A Yes, sir, I do.
Q In Fort Scott, Kansas? A Yes, sir.
Q Do you know whether they claimed to be Territory darkies?
A Well they had the reputation, supposed to be Indian negroes, what we used to call Indian negroes.
Q Do you know where they went to when they left there? A I do not.

MR. JACKSON: How far did these people live from you?
A How far from me their residence was?
Q Yes, sir. A Oh I don't think it could have been exceeding four or five blocks, maybe nothing more than three or four.
Q They lived in the negro quarters, negro part of the town?
A Yes, sir.
Q Did they work for you? A No, I was a single man then.
Q How often was you in the negro quarters? A Well I don't know as I was very seldom, but I saw them in town.
Q What business was you in? A I am selling clothing, have been over since '66.
Q And Easter came here to buy clothing? A Yes sir, I

saw them on the streets.
Q How many negroes are there in that town? A Well I couldn't say how many.
Q Well how did you know that this was Easter Grimmett especially?
A I knew that Easter Grimmett at that time, and I don't know how I knew it was her; I knew it was her.
Q You don't know how you knew it was her? A Well I knew it was her as well as I knew the name of anybody.
Q There was quite a large colored population in the town at that time? A Well I don't know how many; there was quite a number of them I suppose; the town wasn't so very big then as it is now. I don't believe that the town had more than three thousand inhabitants about that time, in '66.
Q You simply knew her by seeing her pass on the street occasionally? A Yes, sir, I have spoken to her.
Q You never had any business transactions with her, you say you was a single man? A Yes, sir.
Q Never worked for you? A No, sir, no, I hadn't anybody working, I boarded at that time, wasn't keeping house.
Q How do you know that that was her name? A Well I know. I know just the same as I know anybody else's name, I knew the woman and knew that was her name; how I knew it I couldn't tell you all the people, I know their names just by knowing the people.
Q You say you know when she left there? A I don't know when she left, no. I knew her to be there for two years or more from the time I first knew her.
Q How often did you see her? A Oh I saw her quite frequently, quite frequently.
Q Just passing on the street? A Yes, sir, you see those days Fort Scott was a small town, and we knew pretty much everybody in town, as they generally do in a small place.

MR. HASTINGS: You were in the clothing business there, were you? A Yes, sir.
Q And you are yet? A Yes, sir, been in that business since '66.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-711, D-712, D-713 and D-710, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 16th day of May, 1902.

P. G. Reuter, Notary Public.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy, and that the same is a true and complete copy of the original.

Retta Chick.

Subscribed and sworn to before me this 2nd day of July, 1902.

(Seal)

P. G. Reuter
Commissioner.

[illegible] of [illegible] number [illegible] of said testimony.

James A. Carr

Subscribed and sworn to before me this 2nd day of August, 1902.

Bruce E. Jones
Notary Public

FILED
AUG 5 1902
COMMISSION OF THE FIVE CIVILIZED TRIBES
INDIAN TERRITORY

No. 1

No. 1

File with E. D. 711.

E. D. 710.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Emily Walker for the enrollment of herself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-710.

APPEARANCES:
Lewis T. Brown, representing Mellette & Smith, for applicants.
W. W. Hastings for Cherokee Nation.

DAVID LOGAN, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A David Logan.
Q What is your postoffice, Mr. Logan? A Lawrence, Kansas.
Q What is your age? A I will be 69 years old my next birthday, I was born January, 1833.
Q Did you ever know a colored woman by the name of Emily Grimmett?
A Well I knowed of her, I don't know as I would know her now if I would see her, but then I did know her at one time.
Q Well when did you know her? A Well the best of my knowledge the time when I come back to Kansas, it was in the fall of '65, I come back to Kansas.
Q Well where was Emily Grimmett living at that time? A Why she lived out north of the bridge in North Lawrence, it was called Bridge Street.
Q Bridge Street? A Yes, sir, on the south of the river was called South Lawrence, but on the north side, there was a town on the north side, and that's called Bridge Street.
Q How long did you continue to live in Lawrence? A Well backwards and forwards to Lawrence for a year and a half or two years.
Q How long did you continue to know this woman? A Oh, I think that it must have been a year and a half, maybe two years.
Q And you knew her first in the fall of '65? A The fall of '65.
Q Well then when did you move out of the town? A In the spring of '67 I left town, went to work for a man by the name of Robinson.
Q Well did you know her up to that time? A Well I knowed of her being there, I can't say that she was there all the time at that place, but then there was a man there that brought my attention on Bridge Street; some white man, they said she had married, and that he was her husband.
Q Well what was his name? A Well I think they called him Grimmett, won't be sure.
Q Called him Grimmett? A I think so, won't be sure now, I never bothered much around there after they had, that is after I went to the country because they didn't come that road.
Q Well you think this man's name was Grimmett? A I won't be sure, but I say it seems to me like that they called him Grimmett, they used to, I am satisfied they called her Walker at one time.
Q Called her Walker at one time? A Yes, sir.
Q Well do you know whether that was her maiden name or whether that was her husband's name or what? A I couldn't tell you that.
Q But she went by both names? A Yes, sir, that is what people said, I don't think that ever I said a word to her in my life, not to her individually.
MR. BROWN: So she gets her name Grimmett by reason of the fact that she married a white man up there by the name of Grimmett, is that it? A I don't know that she married this man, I know that he was her man.

Q Well how was she married when you first became acquainted with her? A I couldn't tell you that either.
Q Where was she living when you first become acquainted with her? A On Bridge Street where she was living last I knew of her, out north of the bridge.
Q When did you move to that vicinity yourself? A Moved from it?
Q To it? A Well I moved, I didn't move there--I come in or travel from Colorado in the fall of '66, September.
Q Well now that's been a long time ago, hasn't it, about 37 years ago? A Yes, sir, that's been a good while.
Q Now you don't remember exactly when it was that you got acquainted with that woman, do you? A Well I remember this much about it; I can't say that I know the dates when I got acquainted with her, but it was after I came there.
Q Sometime after you came back? A Yes, sir.
Q Nor can you swear positively how long that she stayed in that vicinity after you come there, can you? A Well, the house and the goods there where she was at was there when I went onto the other farm to work.
Q Well we are talking about the woman now. A Well she must have been, the man was there, man they said was her husband after I went out there to work, and whether he was her husband or not I can't tell you.
Q Well not you say you never spoke to this woman in your life? A Not as I know of in my life, but other folks told me who she was, and I asked lots of people who it was living there; at some times I could see them there and other times I couldn't see them there I suppose; sometimes when she would go; she had to work out.
Q She was gone sometimes wasn't she before she left there after her goods? A Well I know I missed her at times because I wasn't always on the road.
Q Well now, Mr. Logan, if this woman herself and L. D. Daniels and Easter Williams and Fred Martin and Pollie Nivens have testified that in the fall of '66 this woman was in Fort Gibson, are you going to say that's not true? A I can say that Fred Martin might have been, if there's a Fred Martin with one hand; wasn't there himself.
Q Fred Martin with one hand? A Only just one hand.
Q Suppose that Fred Martin had two hands, will you swear to that? A I don't know, they said he was a Cherokee Freedman, but he had one hand, he could do as much work as anybody, worked on the railroad with him myself.
Q His name was Fred Martin? A And some folks said that he wasborn that way.
Q Well his name was Fred Martin, wasn't it? A Yes, sir, I think it's Fred Martin.
Q Well you are positive of it? A Yes, sir, I am positive of it.
Q Now if these persons whose names I have mentioned have al ready testified that this Emily Walker, who was applied here for citizenship, was in the Cherokee Nation in the fall of '66 are you going to say that's not true? A I don't say that it wasn't true; but I am going to say that she was backwards and forwards here or else mighty often at home.
Q Not you claim to have known her for a year and a half or such a matter up there? A Well from eighteen months up to two years.
Q Well now are your going to swear that this woman wasn't in the Cherokee Nation in the fall of '66? A How would I swear that when I didn't keep track of it.
Q You don't know where she was then do you? A I don't know where she was when I didn't see her.
Q There was many times that you didn't see her? A There was times I didn't see her.
MR. HASTINGS: You had no occasion to go to her home every day? A Oh Lord no.
Q You don't know that she was ever away from there do you? A No,

I don't know, if she was away from there; I said just now that times sometimes was nobody there and then again they was there.

MR. BROWN: You had no occasion to remember when it was that you first met her did you till the other day, thirty-seven years ago? A Well the reason why that I remember, if you want it, that little circumstance, I can tell the reason why I remember that.

Q Well tell it? A Nels Riley had a wife in the same roof; he was said to be Aunt Mariah Buffington's son-in-law, and I was well-acquainted with Aunt Mariah and Uncle Rock, and they lived along the road there, and I used to holler at them very often.

MR. HASTINGS: Uncle Rock Buffington? A Yes, sir.

Q I expect we had better keep you till tomorrow. A No, sir, I couldn't stay.

Q What is your business? A Well I am hauling sand for a living and have been for nine years right there, team standing in the barn doing nothing while I am here, and another one hired for another--

MR. BROWN: How many times have you been arrested? A I haven't been arrested yet at all.

MR. HASTINGS: Did you know any other colored men up there?

MR. BROWN: Objected to for the reason that it has nothing to do with this case.

MR. HASTINGS: Let him go ahead and get it in the record.

COMMISSION: The objection will be noted; answer the question.

MR. HASTINGS: Did you know any other colored men up there? A Yes, sir, I know others.

Q Name some of them? A Oh, some of them that I did know at one time.

Q Yes. A That was said to be Cherokee freedmen; I know lots of folks that's there now.

Q Well that was said to be Cherokee freedmen? A Old Uncle Rock Buffington was one; Spencer Bell was one, I think Spencer Bell died in Ottawa, I won't be sure, he was buried in Lawrence as I'm told, I wasn't there to the funeral, but they told me he was buried in Lawrence.

Q Did you know Ben Bean? A I did and Bill Bean.

Q Know Rachel Bean? A Yes, sir, I knowed of her and knowed her and was acquainted with her.

Q How long did you know her there after the war? A Oh, I can't say after the war, I went there, I was in Colorado the fall of '65 and I come back to Lawrence, and I got acquainted with them there, because at that date I was gone a while and so was Ben. Bill Bean has a son in North Lawrence, named him Bill after him, and goes by the name of Bill Bean.

MRS. JAMES SMITH, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Mrs. James Smith.

Q What is your postoffice? A Why I live on 231 Lincoln Street, Lawrence.

Q Kansas? A Yes, sir.

Q How long have you been living there? A Oh, I have been living in Lawrence about twenty-five years.

Q You have been living there longer than that, haven't you; what year did you come there in?

MR. BROWN: Question objected to as leading, as she has already stated that she has been there twenty-five years.

Witness: I come in '67; I went back west you know after I came to Lawrence the second time. Then I got married and settled down.

MR. HASTINGS: How long did you live there when you came there in '67? A Stayed there till the latter part of '68, and then I went out west to Junction City.

Q Did you know a colored woman up there by the name of Emily Grimmett or Emily Walker? A I knew we always called her Mrs. Grimmett, I never knew of Walker; I heard though something about Walker, I always called her Emily Grimmett; That's what we called

her, and Mrs. Buffington told me that was her name when I got acquainted with her.
Q When did you get acquainted with her? A I guess it was in '67.
Q How long did you continue to know her? A Oh, when I come to town why I would see her off and on of course, I seen her, and well I went west, off and on until I went out west.
Q Well when did you go west? A The latter part of the year; I couldn't tell you exactly what time.
Q Well the latter part of what year? A '68.
Q Where was this woman living when you knew her, on what street I mean? A Oh, she lived up on Bridge Street, where Mrs. Buffington lived when I first for acquainted with her.
Q Did she have any man living with her as her husband? A She didn't have she said; they said she was a married woman, I didn't know of course; she was a stranger to me and she had two little children I know, and Mrs/ Buffington said she was a married woman, and that she had married a German, that's what she said, she had married.
MR. BROWN: What was the German's name? A I don't know his name.
Q What did you call him? A I couldn't tell you what his name was; they called him a Dutchman was all I knew; I never seen the man, and wouldn't know him if I was to see him.
Q Would you know the woman if you was to see her? A Hardly I guess, been a long time since I seen her.
Q What year did you go to Lawrence in? A 1867.
Q What time of the year? A Fall.
Q How long did you stay there? A How long did who stay?
Q You? A I stayed till 1868.
Q Where did you go to from there? A Junction City.
Q How long did you stay there? A Four or five days, more than that I guess.
Q Which was it? A I don't know what it was; I didn't keep track of it because I didn't have any need to.
Q Did you have need to keep track of the time you got acquainted with this woman? A No.
Q How do you fix the date? A I fix it because I knew when I come down here in the winter, well I got back in the winter.
Q You mean here to this country? A Down to Lawrence from Junction City, and stayed till winter.
Q That's how you fix the date, because you come down in the winter.
A Along in the winter of '67, and went back.
Q How do you know it was '67? A How do I know it was '67? Because it was '67.
Q What year were you born? A What year were I born? Well I know it was in '67, I know that my child was born in '68, and that's the reason I knew it was '67 when I came here.
Q What year were you born? A I was born in '46.
Q How old are you? A I don't know, sir.
Q And where did you go when you left Junction? A I come down here to Lawrence.
Q Been living there ever since? A Living there ever since.
Q What did you do for a living along in '67 and '8? A I worked.
Q What kind of work? A House work.
Q What year were you married? A I don't know what year.
Q How long had you been to Lawrence when you got married? A I don't know how long.
Q About how long; ten years? A No, sir.
Q Five? A I don't know whether five or six; I know it ain't ten.
Q How many children did you have before you were married? A I don't know as I had any before I married.
Q Didn't you have some before you married? A Don't know as it's any of your business if I did. I had children before I was married? No.
Q You swear you didn't? A Yes, sir, I said when I came down to Lawrence, I got married in '68.

Q And you were living, as you state, in Lawrence five or six years?
A Came down in '67 and my little girl as I stated was born in '68, May, 29th day of May.
Q And you have already stated that you was living in Lawrence five or six years before you married? A Well I knew I was.
Q Then your child was born the next year after you came there? A Yes, sir.
Q Then you had a child five or four years old before you married?
A Yes, sir.
Q You had a child four or five years old before you married? A Yes, sir.
Q Why did you tell me a while ago that you didn't have ? A I didn't say I didn't have; I didn't know as it was any of your business if I did have one.
Q Didn't you say a while ago that you never had a child until after your marriage? A I said I didn't know as it was any of your busines. I said that.
Q And if you told me a while ago that you didn't have a child before you were married you testified to that which wasn't true? A Yes, sir, I said that I had a child.
Q Well you when you told me a little while ago that you didn't have a child before you married you were testifying to that which was not true? A Yes, sir, I testified to that, I told you I had a child before; I said that; and then you kept asking me if---
Q What was your name before you were married, Mrs. Smith?
A My name was Parthenia.
Q Parthenia what? A Williams.
Q Where did you live from '67 until the latter part of '68? A I lived in Lawrence.
Q What kind of a house did you run? A I run a white folks' cook mitchen; that's what kind of a house I run; for General Babcock, worked for him, and you can get my recommendation in Lawrence if you want it.
Q Well were you personally acquainted with this woman about whom you have been testifying? A I said that I seen the woman, was acquainted with her by going to Mrs. Buffington's.
Q Were you personally acquainted with the woman about whom you are testifying? A Why I seen her.
Q Were you personally acquainted with her? A I knew her, see her.
Q Did you visit her? A Why no, she was living next door to Mrs. Buffington, she and the children.
Q What was the children named? A I don't know.
Q Do you remember whether the woman you are testifying about is the same woman that's applying here or not? A It's the same name.
Q I am talking about the woman; do you know whether it's the same woman or not? A I knew Emily Grimmett down there.
Q Do you know whether its(the same woman or not.

COMMISSION: Answer the question if you can, Mrs. Smith. We are loosing a while lot of time here.

Witness: I mightn't know her because it's been so long since I knew her.

MR. BROWN: Where was this woman in the fall of '66? A '66, I don't know.

MR. HASTINGS: Do you know whether or not she was known as a Cherokee slave or a Cherokee darky or not? A I never asked her anything about that; I heard she was going down to the Nation, Mrs. Buffington said; I don't know anything about it because I was working, and don't know anything about that.

CHARLES SNOW, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A My name if Charles Snow.
Q. What's your age? A 70.
Q. What's your postoffice? A Lawrence.

Q Where did you live in '65? A In Lawrence.
Q Have you lived there since that time? A Yes, sir.
Q What was your business in '65, '6, and '7? A Baker there.
Q Baker? A Yes, sir.
Q Did you ever know a colored woman by the name of Emily Grimmett?
A Yes, sir.
Q Where did she live? A She lived there on Bridge Street.
Q How far did she live from your place of business? A Well it was but a short distance away, two or three hundred yards.
Q Do you know whether she was married or whether she lived with anybody as her husband? A Yes, sir.
Q Do you know what his name was? A No, I don't know who.
Q Did you ever hear his surname called? A No, I don't know as I did.
Q Don't you know as you did? A No.
Q How long did you continue to know this woman? A Well I knowed her personally in '66.
Q Well how long did you continue to know her; how long did she live there? A Up to the year '70.
Q Did she live at this same place? A Yes, sir, as far as I know she did.
Q Did you see her frequently? A Yes, sir.
Q Where did you see her? A On the street about town.
Q Did you know whether she was known as a Cherokee darkey or not?
A I don't.
Q You don't know about that? A No, sir.
Q You know that she was living with some man up there? A Yes, sir, a white man.
Q. White man? A Yes, sir.
Q Would you know his name is you would hear it? A I don't know whether I would or not.
Q Was his name Jones, or Smith, or Walker? A Something like Walker more than anything else, still I don't know.
Q You wouldn't be certain? A No, sir.
MR. BROWN: Wasn't his name Grimmett now? A Sir?
Q Wasn't this man that she lived with name's Grimmett? A Not that I know of.
Q You don't know what his name was, do you? A No, I don't know.
Q This fellow Dave Logan he would know what his name was wouldn't he?
A Probably he would.
Q Well now what year did you say that she left there in? A Well I don't know what time she left. I know the time I left there myseed, and she was there in '70.
Q When did you leave there; in '70? A '71. Bought a piece of land there.
Q She left in '70 and you left in '71? A That's the last time I saw her.
Q In '70? A Yes, sir.
Q When did you leave Lawrence? A Left in '71.
Q Well now who left first, you or her? A I couldn't tell you.
Q Then you didn't see her from '70 to '71? A No, sir.
Q Although she lived in two or three hundred yards of your house?
A Yes, sir. I moved out of town in '71.
Q Well now where were you from '70 till '71? A I still lived in town.
Q Where was she? A I suppose she was there yet so far as I know.
Q Well was she there? A I think she was.
Q Then you were mistaken when you said she left there in '70? A I didn't say she left there in '70.
Q Well you say you knew her there until '70? A I left there in '71 myself, and 70 was the last time I saw her.
Q What month? A It was along in the fall sometime.
Q Well, about October? A Well it was something near October or November, latter part of the year.
Q Well now, Mr. Snow, there were a great many people living around there during that time wasn't there? A Yes, sir, there was sure

Q Great many colored people? A Yes, sir.
Q How is it that you remember the exact time that you first saw this woman and the exact time, ever to the month, that you saw her for the last time? A I don't say the month at all, sir.
Q How is it you remember as to years? A Because the reason I know this year on account I was boarding with a woman, it was in '66, the time they was building the Union Pacific Railroad, and we was keeping boarders, and there was some talk about this lady and this white man living together, and we were talking about them on the porch, and after a while they came down the road, come down the street, and they said that's the lady that lives with a white man.
Q Well I can't-- A Well I say we was having a conversation there on the porch about this colored woman and the white man living together, and finally one of the boys says, "There goes the lady," he says, "that lives with a white man," and I know as he said how they ought to be tarred and feathered, or something of that kind.
Q Both of them? A No, sir, the white man.
Q What year was that? A That was in '66.
Q What time of the year? A That was along in the summer sometime.
Q Well now, Mr. Snow, if this woman herself and a man by the name of L. D. Daniels, and a woman by the name of Easter Williams, and another woman by the name of Pollie Nivens, and a man by the name of Fred Martin, have sworn that this woman was in Fort Gibson in the fall of '66, are you going to say that's not true so. A Well, she was there in '66.
Q All the time? A I won't say that she was all the time; I saw her frequently.
Q Well I am speaking now of the fall of '66. A Yes, sir, she was there in '66.
Q The fall of '66? A Yes, sir.
Q Was she there in the spring of '66? A She was along in the summer along in '66. Well now we are talking about the woman, I know she was there in the summer, yet I hear men that have swore that she wasn't. I saw her frequently. I don't know that it was then at that time or not.
Q You wouldn't swear that she wasn't in Fort Gibson during the fall of '66, would you? A Yes, sir, I think---

MR. HASTINGS: Did you see her quite frequently from '66 until '70, that is just like anybody else that's living in the town? A Yes, sir.

MR. BROWN: Mr. Smith, you didn't see her when she wasn't there of course? A Sometimes I wouldn't see her, no.

COMMISSIONER: This testimony will be filed with and made a part of the record in the case of Ida Young, D711, Emma Walker, D-712, Hannah Briggins, D-713, and in the case of Emily Walker, D-710, the same being the case at bar. It appears from the records of the Commission that all of the above applicants are represented by Mellette & Smith, who appear by Lewis T. Brown.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 1st day of July, 1902.

(Signed) P. G. Reuter.

Notary Public.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath stated that the foregoing is a true and correct copy of the original transcript of said testimony.

Jesse O. Carr

Subscribed and sworn to before me this 2nd day of August, 1902.

Bruce E. Jones
Notary Public

[illegible]

[illegible]

[illegible]

Freed. D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY INGIS for enrollment as a Cherokee Freedman:

Applicant appears by Hellstern & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference, to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Ida Young, D 711.

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony than they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

[illegible]

[illegible] and that this is the first day of May, [illegible] the rulings of the Commission, that [illegible] the [illegible] on all the [illegible] and that [illegible] closed and closed by the Commission, and that [illegible] no case remained [illegible] in any case for no cause remained [illegible] there is [illegible] and parents, [illegible] chosen either by [illegible] the other [illegible] the applicant, on the other [illegible] necessary or desired.

[illegible] Compiled [illegible] the roll of Choctaws [illegible] shall [illegible] the [illegible] of the Court of Claims [illegible] and the Commission must [illegible] the [illegible] proceedings [illegible] the [illegible] and [illegible] the [illegible] of the proceedings [illegible] the [illegible] and correct transcript of his stenographic notes thereof.

(Signed) [illegible]

Subscribed and sworn to before me this 15th day of [illegible]

(Signed) [illegible]
[illegible] Public.

[illegible]

I, [illegible] Bagwell, a stenographer in the Commission to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and perfect record of the proceedings, testimony and [illegible] in the cause of Filed with the Commission, [illegible]

[illegible] Bagwell

[illegible] to before me this July 29, 1902.

Page [illegible] 820

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERN ADAIR for enrollment as a Cherokee Freedman.

Applicant appears by Pulliam & Smith, Cherokee Nation, by [illegible]

[illegible]

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmore, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17206 filed in the Marian Hayden case I.T. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the action of the said Marian Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lee Young, I.T. [illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the Attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Marian Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Marian Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily Walker et al, as Cherokee freedmen, consolidating the applications of

Emily Walker et al	Cherokee Freedmen D 710
Ida Young et al	Cherokee Freedmen D 711
Emma Walker	Cherokee Freedmen D 712
Hannah Briggins et al	Cherokee Freedmen D 713

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Emily Walker (formerly Grimmett), for herself and her minor children, Fred, Flora, and Bertha Walker; by Ida Young for herself and her minor children, Pet L., Caroline and Emma Young; by Emma Walker for herself; and by Hannah Briggins for herself and her minor child, Lettie Briggins.

The evidence shows that the applicant, Emily Walker, (formerly Grimmett), was the slave of a Cherokee citizen residing in the Cherokee Nation at the commencement of the rebellion; that she went out of said nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said nation.

The evidence further shows that all the other applicants herein are the descendants of said Emily Walker, born since 1866, and have no right to enrollment except such as they may have acquired through her.

None of the applicants herein, then living, can be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Emily Walker, Fred Walker, Flora Walker, Bertha Walker, Ida Young, Pet L. Young, Caroline Young, Emma Young, Emma Walker, Hannah Briggins and Lettie Briggins should be denied, under the provisions of section Seventy-one of the Act of [illegible], approved June 28, 1906 (34 Stats., 539), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman.

(SIGNED).

T. B. Needles,

Commissioner.

T. L. Brecinridge.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this APR [illegible] 1906

32711

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901
ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 18th, 1901, in the matter of the application of Ida Young et al for enrollment as Freedmen of the Cherokee Nation.

Mellett & Smith

Attorneys for Applicants.

Cherokee F. #D711.

COPY.

Cherokee Freedmen
D-716 et al.

Muskogee, Indian Territory, May 2, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-186.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-710 et al.

Muskogee, Indian Territory, May 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Emily Walker et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-187.

COPY.

Cherokee Freedman
D-710 et al.

Muskogee, Indian Territory, May 5, 1904.

Edgar Smith,
Attorney for Emily Walker et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pat L., Caroline and Emma Young, Kenneth and Lottie Driggins as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. D-188.

COPY.

Cherokee Freedmen
D-711.

Muskogee, Indian Territory, May 5, 1904.

Ida Young,

Welch, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself,, Pet L., Caroline and Emma Young as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc.D-182.

COPY

Refer in reply to the following:
Land 31691-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 23, 1904.

The Honorable,
The secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 5, 1904, tranmitting for your consideration the applications of Emily Walker, et. al., as Cherokee Freedmen.

April 20, 1904, the Commission rejected the applicants.

From an examination of the record of the evidence it appears that Emily Walker- who was formerly known by the name of Emily Grimmitty for herself and her minor children, Fred, Flora, and Bertha Walker, and Ida Young, daughter of said Emily walker, for herself and her minor children, Pet L., Caroline and Emma Young; and Emma Walker for herself and by Hannah Briggins for herself and her minor child Lottie Briggins, make application for enrollment.

All of said various applicants are descendants of said Emily Walker (Emily Grimmit), born since 1866 and have no right to enrollment except such as comes to them through their said ancestor, Emily Walker - and if she has no right, and the said descendants do not come within some provision of some statute giving them a right independently of the right of inheritance, they are not entitled to enrollment.

And it appearing from the record that the said Polly Walker was a slave of a Cherokee citizen residing in the Cherokee Nation at the commencement of the rebellion; that she went out during the rebellion and did not, according to the weight of the testimony in our opinion return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

It is therefore recommended that action of the Commission rejecting said applicants for enrollment be sustained, and that said Polly Walker, Fred Walker, Piere Walker, Bertha Walker Ida Young, Pet L. Young, Caroline Young, Emma Young, Emma Walker, Hannah Buggins and Lottie Buggins should be denied enrollment as Cherokee freedmen, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898, (30 Stats., 495) and that it be so ordered.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

JTM

C

W.C.P.

J.P.

D. C.

FHE

18222-1904.

DEPARTMENT OF THE INTERIOR,

I.T.D. 4236-1904.

WASHINGTON, June 3, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 5, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedman of Emily Walker, et. al. (F.D.710 et al.), including your decision of April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully.

(Signed) Thos Ryan.

Acting Secretary.

1 inclosure.

Cherokee Freedmen
E. Ind. et al.

Muskogee, Indian Territory, June 14, 1904.

[redacted] ly,

Attorney for Emily Walker, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Martha and Susan Walker, Ida, Pet L., Darling and Rose Young, and Hannah and Lottie Bridgins as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 8, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 718, et al.

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Elora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, and Hannah and Hettie Briggins as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 711

Muskogee, Indian Territory, June 14, 1904.

Ida Young,

Welch, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself and your three minor children, Pet L., Caroline and Emma Young, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

COPY

Cherokee Freedman
B-375.

Muskogee, Indian Territory, December 5, 1904.

Ida Young,

Welch, Indian Territory.

Dear Madam:

The Commission has the receipt, by reference from the Secretary of the Interior, of your letter of November 28, asking to be furnished with an additional copy of the Commission's decision in the matter of your application for enrollment as a Cherokee freedman.

In reply there is herewith inclosed a copy of the decision referred to.

Respectfully,

Tams Bixby,
Chairman.

Encl. B-34.

7B. I.D. 711

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 12 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 12 1901

Post Office Welch I.T.

District ~~COOWESCOOWEE~~ Wel.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Doubtful

1 1. Name of wife Ida Young Age 21

Owner's name ..... Citizenship .....

Year K.C. Page 158 No. 3896 District Coo

Parents:

Father Fred. Walker — dead Citizenship .....

Mother Emily Walker — living Citizenship .....

Names of Children:

2 1.	Pet. L. Young	Year K.C.	Page 158	No. 3893	Dist. Coo	14
3 1.	Caroline "	Year "	Page 158	No. 3895	Dist. "	11
4 1.	Emma "	Year "	Page 158	No. 3894	Dist. "	8
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Doubtful

Application made by Mr. I Stenographer M. B. Green

1 On K.C. roll as Ida Grimmett

2 " " " " " Pet. "

3 " " " " " Callie "

4 " " " " " Emma "

X D. 710

Represented by Mellette and Smith, Muskogee, I.T.

Transcribed to the Illinois Circuit Court
FILED
MAR 22 1962
ACTING CLERK

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 377

See Cher. Fr. R. 375

Cher. Fr. R. 377

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12,1901.

In the matter of the application of Emma Walker for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Messrs. Mellette & Smith, for the applicant;
Mr. Jas. Davenport, for the Cherokee Nation.

Q What is your name? A Emma Walker.
Q How old are you? A I don't know exactly.
Q About how old? A 23 or 4.
Q What is your post-office? A Welch, Indian Territory.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A No one.
Q Is your name on the roll of 1880? A I do not know.
Q Is it on any of the rolls of the Cherokee Nation? A I think it is.
Q Where were you born? A Timbered Hill.
Q Cherokee Nation? A Yes sir.
Q Have you always lived in the Cherokee Nation? A I have always; I have went out to work.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 157 #3887 Emma Grimmett, Cooweescoowee District.

Q What is your mother's name? A Emily Grimmett.
Q What is your father's name? A Fred Walker.
Q Your mother is the Emily Grimmett who just applied to be enrolled? A Yes sir.
Q You have always lived in the Cherokee Nation? A Yes sir.
Q Born and raised there? A Yes sir.
Q Unmarried? A Unmarried.
BY MR. DAVENPORT:
Q How long have you worked out, you said you have been working out? A I do not know exactly.
Q A year or two at a time? A Not a year or two at a time, four or five or eight or nine months.
BY COM'R NEEDLES:
Q Always made your home with your mother? A Yes sir.
Q Your name Emma or Emily? A Emma.

Com'r Needles: Emma Walker applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is duly identified upon the Kern-Clifton roll; she avers that she was born and raised in the Cherokee Nation; she has lived there all her life; she avers that she is a child of Emily Grimmett or Walker, who was duly listed for enrollment on D card 710, and the testimony taken in the case of Emily Walker will be made a part of the testimony in the case of the applicant, and a copy thereof will be filed herewith. She will now be duly listed for enrollment as a Cherokee Freedman on a doubtful card and will be notified by the Commission of the decision in her case when arrived at.

[illegible]

[illegible]

Subscribed and sworn to before me this [illegible]

County Clerk

Daisy Walker et al ab

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FEB 13 1902

Daisy Walker [illegible] for the enrollment of herself and three children, Fiort, and Certher; she states that she was a slave of Emily Grimmett family, and that she was married to Reed Walker, a white man, now deceased. She cannot be found upon the authenticated roll of 1880 or the census roll of 1890; she is duly identified upon the Clifton payroll, one copy of which is filed herein, and the testimony shows that she was a slave, and that she never moved outside the Cherokee Nation during the war, and never left the Nation except as a refugee [illegible] Witness testified that she is entitled to be listed for enrollment as a Freedman, as well as her children; but by reason of the fact that the Cherokee Nation, by its representative protested against the enrollment of said Emily Walker, she will, [illegible] be listed for enrollment as a Cherokee Freedman, and a decision will be rendered herein, as well as her children, Fred, Flora and Certher, and she will be notified by mail of the decision of the Commission when arrived at, in her case. She is now going by the name of Emily Grimmett, that having been her maiden name or the name of her master, but her only marriage, according to the testimony, was to one Reed Walker.

W. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) W. B. Green.

Subscribed and sworn to before me this June 2, 1901.

(signed) T. B. Needles.
Commissioner.

W. B. Green, being first duly sworn, states that as stenographer to the

File with C.F. D. 714, Emma Walker.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1, 1907.

In the matter of the application of Emma Walker for the enrollment of herself and three children as Cherokee Freedmen, being sworn and examined by Commissioner Kendrick, she testified as follows:

Appearances:
Messrs. Mellette & Smith, for the applicant.
Mr. Earl Davenport, for the Cherokee Nation.

Q What is your name? A Emily Grimmett.
Q What is your age? A About 40, or more.
Q Who is your post-office? A Welch.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman, do you sir.
Q Do you want to enroll anybody besides yourself? A Three children.
Q Are they under age? A Yes sir.
Q Give me the names of the children? A Freddie.
Q How old is Fred? A 20.
Q What is the name of the next one? A Flora.
Q How old is Flora? A 19 I guess.
Q What is the name of the next one? A Bertha.
Q How old is Bertha? A 17.
Q That all? A That's all under age.
Q How many have you got that's over age? A None.
Q Is your name on the Cherokee tested roll of 1880? A It ought to be 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified Cherokee.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants name differed thereon as follows:
page 157 #3884 Emily Grimmett, Cooweescoowee District;
page 157 #3885 Fred Grimmett, Cooweescoowee District;
page 157 #3890 Flora Grimmett, Cooweescoowee District;
page 157 #3891 Bertha Grimmett, Cooweescoowee District.
Q Are you married? A I am a widow.
Q What was your husband's name? A Fred Walker.
Q Have you married since? A No sir.
Q How does your name happen to be Grimmett if your husband was named Walker? A My master was named Grimmett.
Q But your name is Walker now? A (Some calls me Walker and some calls me Grimmett.
Q What do you call yourself? A I go by what they call me.
Q How long has your husband been dead? A 15 years or more.
Q What's Fred's name? A Walker.
Q The children are all named Walker, aint they? A Yes sir.
Com'r: Her name is Walker.
Q Were you ever married more than once? A No sir.
Q Your name before you was married then was Grimmett? A Yes sir.
Q What was your father's name? A Frank Grimmett Jack Ratliff.
Q What was your mother's name? A Sylvia Grimmett.
Q You never went by your father's name? A No sir.
MR. SMITH:
Q You say you have always been known as Emily Grimmett? A Yessir.
Q Was you a slave? A Yes sir.
Q Who did you belong to? A Billy Grimmett.
Q Have you some witnesses here? A Yes sir.
Q Was Billy Grimmett a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Flint District.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A At the breaking out of the war I was living in Tahlequah.

Q [illegible] you go out of the Nation during the war? A No, I didn't go out [illegible]

Q [illegible] you came on, go on, [illegible] around.

Q [illegible] you get back to the Nation after the war was over? A I [illegible] around in the Nation, until all the [illegible]

Q I don't understand you [illegible] did you first come back to the Cherokee Nation, if you were not during the war? A It was in 1865.

Q Where did you come to? A In Gibson, Ft. Gibson.

Q You came with Joe to Ft. Gibson? A Cherokee woman named of Mrs. Vallay.

Q How long did you stay about Ft. Gibson after you got to Ft. Gibson at that time? A I just stayed around and worked backwards and forwards right in Gibson, first one place and another.

Q How many children have you had, was this when you apply for land, [illegible] and marriage? A I have three.

Q How many children have you now over 21 years old? A There would be five.

Q Give us the names of your grown children? A Charley.

Q Charley Grimmett or Walker? A Charley Walker.

Q You go sometimes called Charley Grimmett? A Yes sir.

Q Tell all the other grown children have you? A Ida.

Q Is she married or single? A She is married to Bill Young.

Q Her name is Ida Young? A Yes sir.

Q Where does Charley live? A Charley Walker is working now on the road, working for a drilling in Texas.

Q Where does Ida, your married daughter, live? A She lives in Delaware district, up there close to Vinita.

Q Now then, Charley and Ida we have spoken about, whether grown child have you? A Sebron, he is dead though.

Q What other than besides Sebron? A Emma.

Q Is she married or single? A She is single, and lives at home with me.

Q Is she the daughter of your husband whose name was Walker? A Yes sir.

Q Her name was Emma Walker? A Yes sir.

Q Is she sometimes known as Emma Grimmett? A Yes sir.

Q Where does Emma live? A Lives with me in the house without.

Q Where is your home? A I live 22 miles from Vinita, on Timbered Hill.

Q Is Timbered Hill in the Cherokee Nation? A Yes, sir, in Delaware district.

Q You have mentioned Charley and Sebron, who is dead, and Emma and Ida, who is there another one? A Hannah.

Q Is she married or single? A She has remarried.

Q What was her husband's name? A Oscar Briggins.

Q Where does Hannah live? A With me.

Q At your home on Timbered Hill, in the Cherokee Nation? A Yes sir.

Q Does she go by the name of Hannah Briggins, or Hannah Walker, or Hannah Grimmett? A She used to go by both, she goes by Briggins now.

Q How old did your husband, Amos Walker? A About 60 some odd years old, I don't know exactly.

Q What is the reason you don't remember the names of your children any better than you did? A My recollection, I can't study it good, my head is not right, I can't think, I have just got out of a bed of sickness and I can't remember good.

BY MR. DAVENPORT:

Q You belonged to Bill Grimmett? A Yes sir.

Betty Walker et al #

Q You didn't belong to Bill Grimmett at the breaking out of the war? A No sir.
Q Who was Bill Grimmett? Was he there before the war broke out?
A Young Bill Grimmett was here. I belonged to his father, named Bill Grimmett, old man Bill Grimmett, sir.
Q There was old man Bill Grimmett at the breaking out of the war?
A Old man Bill Grimmett was here.
Q Which one did you belong to, the one that was hung, or the other one that died a natural death? A I belonged to the old man.
Q One died a natural death and the other one was hung during the war? A I belonged to his daughter.
Q Who was his daughter? A Rachel.
Q What was her name at the breaking out of the war? A Rachel Grimmett.
Q She hadn't married? A No sir.
Q You know what became of Rachel when the war broke out? A Yes sir
Q Where did she go? A She died.
Q During the war? A No, before the war.
Q To whom did you belong to when the war broke out? A I belonged to the Grimmetts.
Q There was still some more of the Grimmetts, which one of them?
A Betsy.
Q Who did Betsy marry? A She married into the Taylors, she married Bill Taylor.
Q Did Betsy leave the Territory during the war? A Yes sir, she left home after the soldiers came in there.
Q You know whether or not she ever returned after the war?
A No sir, she was in Ft. Smith I think; I could hear from her.
Q They were living in such district when the war broke out, Betsy and her husband? A Flint.
Q Did you leave the Territory during the war? A Yes sir.
Q Where did you go? A Ft. Gibson.
Q Well you didn't leave the Territory at all because you, when the war broke out you didn't go out with the people, either Southern North? A I was with the soldiers, they went down, they come and took us away.
Q Not since the war where have you been living? A On Timbered Hill
Q When did you move to Timbered Hill? A I have been to Timbered Hill. I couldn't tell just how many years it has been, because when they taken the census the other time it was about 14 or 15, I can't just exactly think of it, because I don't know the facts.
Q Have you lived any other place since the war except Ft. Gibson and Timbered Hill? A No sir, I haven't lived no place else around Timbered Hill and I worked around Vinita.
Q Who did you work for at Vinita? A I stayed around and worked for aunt Ann Daniels.
Q She was the mother of Mrs. Indian Harrington? A Yes sir.
Q When you were at Ft. Gibson who did you work for? A I worked for the soldiers, cooking.
Q Aunt Ann Brown was living there at that time? A Yes sir.
Q You knew her? A Yes sir.
Q Have you lived in the State of Kansas any in your life? A Nosir.
Q Arkansas? A No sir.
Q Texas? A No sir, I don't know where Texas is.
Q Have you ever lived in any country except the Cherokee Nation?
A Just the Cherokee nation.
Q Wouldn't remember your father's country? A No sir.

BY MR. SMITH:

Q Have you any brothers and sisters? A Yes sir.
Q What are their names? A Ben Grimmett, is the oldest brother;
Q You know whether he is on the 1880 roll or not? A I guess so, I don't know, I couldn't swear that.
Q How old is he? A About eighty I guess.
Q You don't know? A No sir.

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Q Is he older than you or younger than you? A He is older thanme.
Q What is your sister named? A Peter.
Q You know whether she is on the 1880 roll or not? A Perhaps she maybe, I couldn't say.
1880 authenticated roll of citizens of the Cherokee Nation
was used for applicant's brother and sister and identified on page 112 #1310 Peter Grimmett, Cooweescoowee District
page 108 #1611 Sam Grimmett, Cooweescoowee District. Adopted
colored.
BY MR. DAVENPORT:
Objection on the ground of being immaterial and incompetent, and tending to confuse the records.
Q You stated that you had a brother Sam, what was his children's names? A (No reply.)
MR. DAVENPORT: I object to that.
COM'R NEEDLES: Oh that's too much.
BY MR. NEEDLES, COM'R:
Q I understand you to say to Mr. Davenport that you never went up out of the Cherokee Nation, that you lived at Ft. Gibson all the time during the war? A Yes sir.
Q You never went out of the Cherokee Nation? A N. sir.
Q You never went into the State of Kansas during the war?
A No sir.
Q Nor Texas? A No sir.
Q Nor Arkansas? A No sir.
Q Been all the time? A Yes sir.
Q Why is your name not on the roll of 1880? A That's something wrong about it, because I was right in Tahlequah at Mrs. Jim Staplers, and worked around there.
BY MR. DAVENPORT:
Q You don't mean to say that Jim Stapler was married in 1880?
A Ain't Jimmie Stapler's mother named Jane.
Q I thought you said Jim? A (No reply.)
L.D.DANIELS, being sworn and examined by Com'r Needles, testified as follows:
BY MR. SMITH:
Q State your name? A L.D.Daniels.
Q Where do you live? A At Claremore now.
Q How long have you lived inthe Cherokee Nation? A All my life.
Q Do you know this applicant, Emily Grimmett, or Emily Walker?
A Yes sir.
Q How long have you known her? A I knew her before the war and I have known her since that time.
Q Do you know whether she was a slave or not? A Yes sir.
Q You know who she belonged to? A Bill Grimmett.
Q Was Bill Grimmett a Cherokee Indian? A Yes sir.
Q What family did she have? A Bill Grimmett was a young man when he were hung.
Q You remember howlong before the war he was hung? A I think it was in '58 or '59.
Q What relatives did he have? A I didn't get acquainted with his kin folks, I got acquainted with this the woman's mother; she always lived in Gibson and hired out all the while, and I lived there too, before the war.
Q Do you know of your own knowledge what became of Emily or where she was during the war? A I saw her there a part of the time to Gibson.
Q When did you first see her after the war closed? A Well I aint certain, I think it was through justbefore the cholera, and the cholera was in '67, commenced along about April or May or June.
Q You know how long before the cholera was that when you saw her at that time? A Oh she was there after the surrender.
Q How long after the surrender? A She was cooking up there in the

quarters, and I couldn't tell, just saw her every once in a while, cooking up there at the soldier quarters, Major Lagenberry.
Q You know whether she remained in the Cherokee Nation or not during the war? A No I don't.
Q When was the time you saw her there, the first time you spoke about awhile ago? A I saw her there in '63, and I went to the Cherokee Nation the first day of March, '62, and I came back in August, in September, on the 10th of August, I went back in August to the Cherokee Nation again in September, and came back in February, '63, and I found Emily there then, working in those soldiers' quarters there.
Q Where? A Ft. Gibson, sir.
Q Then when did you next see her after you saw her in '63? A I saw her there when the Cherokees was mustered out at the soldiers' quarters, that was in June some time, I think, '65.
Q Then when did you next see her? A I don't recollect of this fourth time, I seen her, but I think she was there just before the cholera broke out.
Q You don't know how long before the cholera broke out? A It was the same spring. That was in '65?
Q Did you see her yourself during the year of '65? A Yes sir.
Q Where? A At Ft. Gibson.
Q What time in '65? A It was in summer I believe, in the fall; soldiers were mustered out in '65, I don't know whether it was May or June, and Emily were there then I am satisfied of that, because I remember.
Q And then what time was in '66 that you saw her? A I told you awhile ago that it was near about the fall of '66 and I wasn't certain but that it reached there in the spring of '65 before the cholera broke out; that is just what I said.
Q When did you see or see her after you saw her just before the cholera broke out? A I remember that of seeing her in Tahlequah and I disremember. I had moved away from Gibson and I disremember whatever that was, in the fall she was at Tahlequah there doing laundry work.
Q Can you state how long it was after? A It might have been seven or eight or nine years, I couldn't say, but I was always to Tahlequah and she were doing laundry work, and she had a little girl or two with her, and she had a Dutchman I think was her husband there; she was gathering up clothes around there, and I got some of the Council's clothes for her; and I have been hearing of her about some 16 or 17 years over here about Timbered Hills, over here about Bluejacket. I have not been to her house though.
Q Bluejacket, Indian Territory? A Yes sir.
BY COM'R KEEDLE:
Q This Ft. Gibson you speak about in the Cherokee Nation? A Yes sir
BY MR. DAVENPORT:
Q You know who she belonged to at the breaking out of the war?
A Bill Grimmett.
Q That the one that had been hung in '60? A I think that's the same gentleman.
Q He had been hung a out three years before the war broke out?
A Yes sir.
Q She still belonged to him? A Well, she belonged to some of the family I guess.
Q I asked you if you knew who she belonged to? A Well of course not he was done hung.
EASTER WILLIAMS, being sworn by Com'r Keedle, testified as follows:
BY MR. SMITH:
Q State your name? A Easter Williams.
Q How old are you? A I am somewhere along in 80. I was a slave born, and was nursing before the war.
Q Where do you live? A I live up here on Big Creek.

Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days, only when I was out working.
Q Do you know this applicant, Emily Walker, or Grimmett? A Yes sir, she is my sister.
Q Do you know whether she was a slave before the war or not? A Yes sir, she belonged to the same man I did.
Q Who was that? A Old Bill Grimmett in Flint District.
Q What family did Grimmett have? A He had his wife was named Rachel.
Q Did he have any children? A Yes sir.
Q What children did he have? A Rachel, Betsy, John and Bill.
Q Bill Grimmett was hanged before the war, which one of them? A Young Bill. Was hung in Tahlequah.
Q Is the old man Bill dead? A Yes sir, he died before the war, while he was all to home.
Q Where was the Grimmett family, the ones of them freedmen, did before the war commenced? A They were in Flint, up to the old place, they had two places.
Q Did you live with some of them? A No, they divided me out to one of the daughters, the one that married Houston Ross.
Q Who did Emily belong to? A She belonged to Rachel Grimmett, she was Rachel Fields, then her name was changed.
Q Where was your sister Emily living when the war commenced? A We was all at home in Flint District.
Q In the Cherokee Nation? A Yes sir.
Q Was this Rachel the one who married Fields, was she daughter of Bill Grimmett? A Yes sir, old man Grimmett.
Q She was a citizen of the Cherokee Nation? A Yes sir.
Q Where did you go during the war? A They took me to Tahlequah, I was working for another, I went to Ft. Gibson.
Q You know whether you were taken out? A We was while they was fighting.
Q When did you get back? A I was here in '65, I was here long before the Treaty to tell the truth, at Ft. Gibson.
Q Are you on the 1880 roll? A I don't know, sir.
Q When did you first see your sister Emily Grimmett or Emily Walker after the war? A We was all together at Ft. Gibson, and they carried us to Neosho and brought us back to Ft. Gibson.
Q Who did that? A The Government, they had us as refugees or whatever you call it, we was drawing rations.
Q They carried who? A My sister and everybody else, I couldn't tell you who all.
Q Carried this sister Emily? A Yes sir, and another sister that's dead.
Q Whatdo you mean by carried you to Neosho? A They carried us from Ft. Gibson to Neosho, I don't know whatdistrict it's in, but it was Neosho.
Q What was it, a river or town? A Yes, that was it, on that Big river there, but it was called Neosho.
Q Neosho Station or town, do you know whether or not you were taken to a place used to call Neutral Land? A No sir, they called it Neosho, that was the name they called it when we were there, when the soldiers were there.
Q Was it in the Cherokee Nation or did they take out outside of the Cherokee Nation? A I don't know whether it is outside or not, they called it Neosho. They carried us all there and had soldiers there to guard us.
Q You don't know what it was? A I know it was Neosho, they took us from Gibson to Neosho.
Q You remember anybody else, colored people, that was taken there? A Lord, there was two or three hundred negroes carried there and brought back to Gibson.
Q When did they bring you back? A Just about I reckon along when

peace was going to be declared, there wasn't so much brushwacking up there, there was a guard with us when we come to Gibson.
Q Did your sister Emily come back with you? A Yes sir, she was working for an Adjutant.
Q How long did you stay? Emily stayed there about Ft. Gibson? A I was there working for the officers, and I went to Ft. Smith with Lieutenant Ayers and Colonel Waters; I lived here at Gibson, I dont know exactly where she went.
Q How long did you stay at Gibson after you got back? A I stayed three years, my mother was there.
Q And whenyou went away you left her there? A Yes sir, and I left my mother there at the time.

BY MR. DAVENPORT:

Q Youand your sister and them were taken to Neosho? A Yes sir, was me and her specially, but the whole lot of negroes.
Q That was a town there? A No sir, there had beenpeople lived there, it was a place state.
Q It was Neosho, Missouri, wasn't it? A I suppose so, they didn't put the Missouri to it, they told meNeosho.
Q Wasn't there a kind of town there? A Few houses, one or two houses, Big white house set in the north-east corner and some other little houses.
Q It was in a valley between two hills? A Yes sir, Neosho was, about three springs.
Q There was no railroad there at that time? A No sir, there wasn't no talk of a railroad, because the bushwackers had everybody a going.
Q You know where your sister Emily lives now? A She lives at Timbered Hills.
Q How long has she beenliving there? A I couldn't tell you that, she has beenliving there long enough to have a fine place.
Q Howlong since she left Chetopa, Kansas? A I couldn't tell you that; we all was in Chetopa; she worked in Chetopa to educate her children.
Q Well did she live in Chetopa Kansas quite a while? A I don't know how long she lived there.
Q You know she had a home there? A I couldn't swear that.
Q You don't know whether sheowning property there yet ornow? A No sir, I couldn't tell you that.
Q Youdon't know whether you are on the roll of 1880 or not?
A I suppose Iam, if I aint scratched off.
Q You know of anyone being scratched off after it has been recognized and that was put on the 1880 roll and it had been authenticated? A I don't know sir, I am just talking, because talking is kinder cheap and sometimes somebody hits the nail on the head.
Q8 How often since youhave been talking in the interestof the claimants have you hit the nail on the head? A I don'tknow as I have done anybody wrong in this court or told any lies.

MR. SMITH: I object to that.

Q You came back to the Nation at what time? A I was here in '66 off and on.
Q How long did you stay here? A Why up to here- I wasn't married.
Q You was in Ft. Smith several years? A No sir, I wasn't; I was here mostly at Tahlequah; I used to cook for Mrs. Alberty, and after the war I was here with Mrs. Brown. That's my history.
Q Who was your sister during that time? A She will have to give an account of that herself; I left hersin Gibson.
Q You don'tknow where she has beenliving since the war? A She has been here at Timbered Hill.
Q Howlong? A I don't know.
Q You know she was living there part of the time? A I know she is living there.
Q She is living there now? A Yes sir, and got a good home.

Q You know whether she ever lived in Parsons? A No sir, she never; I lived in Parsons a while.
Q How long? A Not very long.
Q Did you live there as much as a year? A I don't know as I lived there that long.
Q You don't know how long you lived there? A No sir, I raised my childredn here.
Q But you did live in Parsons? A Yes sir, I lived in Parsons a while; it was the only place I could get work: I am a cook by trade.

BY MR. SMITH:

Q What children have you? A I have only got Sylvia, I had one or two dead.
Q What other children did you have besides Sylvia? A Nathan and Alice, them is the two that's dead.

FRED MARTIN, being sworn by Com'r Needles, testified as follows

BY MR. SMITH:

Q State your name? A Fred Martin.
Q How old are you? A 43.
Q Do you know Emily Grimmett? A I do.
Q How long have you known her? A I have knownher pretty near as long as I have known anyone. I can't tell you how many years I did know her; I have knowed her ever since I was a child.
Q Where were you when the Civil War closed? A Ft. Gibson.
Q When did you first see Emily Grimmett after the war? A I saw her while we were at Ft. Gibson, just after the war had closed.
Q You know what year it was in? A It was in '66; she stayed a good while with my mother and father; she was staying with us just before we moved from Ft. Gibson up on Grand river.
Q When did you move from Ft. Gibson up on Grand river? A In the winter of '66.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

BY MR. DAVENPORT:

Q You are about how old now? A 43 years old.
Q And this woman stayed at your father's house and you saw her around there in '66? A Yes sir, I saw her there before we moved away from Ft. Gibson.
Q That was about 38 years ago? A Yes sir.
Q And you remember her now as being the woman you saw there when you were about seven or eight years old? A I do.

BY COM'R NEEDLES:

Q You have known her ever since? A Often and on, ever since.
Q You know whether she has ever lived since that outside of the Cherokee Nation? A No sir.

BY MR. DAVENPORT:

Q Don't you know she has lived outside of the Cherokee Nation?
A No sir, I do not.

POLLY NIVENS, being sworn by Com'r Needles, testified as follows

BY MR. SMITH:

Q State your name? A Polly Nivens.
Q How old are you? A 56.
Q Where do you live? A Ft. Gibson.
Q How long have you lived at Ft. Gibson? A All my life.
Q Ft. Gibson, Cherokee Nation? A Yes sir.
Q Do you know this Applicant, Emily Grimmett? A Yes sir.
A How long have you known her? A I have knowed her all my life.
Q Do you know where she was in 1866? A No sir.
Q When did you first see her after the close of the war? A I saw her when I was at Ft. Gibson, a cooking for the generals issuing rations to the refugees just at the close of the war.
Q Do you know what date it was? A No sir.
Q Can you testify to any dates? A No sir.
Q Do you know any dates? A No sir, I don't know nothing about the

Q. You knew you could for the refugees? A. Yes sir.
Q. Was refugees? A. Cherokees, they got land patents to the
Q. Where all? A. In Ft. Gibson.
Q. What was it that you was really remembering when I was seeking for the agent that was issuing rations to the refugees.
Q. You knew what children was dead? A. They had three with her, but don't remember which once it was.
Q. You don't remember their names? A. No sir, I forget their names, I knowed their names too at that time, but I have forgot them now.
BY MR. DAVENPORT:
Q. You knew every one of the negroes that was found there at Ft. Gibson at the close of the war? A. Pretty near all of them.
Q. You remember all of them distinctly now? A. No sir. Not all of them.
Q. You knew Eliz where before the war broke out? A. Yes sir.
Q. Where was she living when the war broke out? A. She said she was living at Tahlequah.
Q. You don't know who she belonged to? A. The Brumlett.
Q. How do you know? A. She said so.
Q. I asked you if you knew it? A. I didn't know it for certain, I just knowed her and we discussed her matter.
REPLICATION, EMILY WALKER re-examined and further testified:
BY COM'R WELLS:
Q. Now, where were these children that you apply for, Fred and Flora and Martha, where were they born? A. In Timbered Hill.
Q. In the Cherokee Nation? A. Yes sir.
Q. You never lived in Kansas? A. No sir.
Q. Never lived in Parsons? A. No sir.
Q. Never been there? A. I have been up there, but not to live.
Q. Where were you married to Walker? A. Married by a preacher.
Q. Say when and where? A. He was a soldier.
Q. Were you married to him in the Cherokee Nation or in Kansas?
Q. Married in the Cherokee Nation.
Q. He was a soldier? A. Yes sir.
Q. White man? A. Yes sir.
Q. What was his name? A. Fred Walker.
Q. Is he dead? A. He is dead.
COM'R: Well he ought to be.
Q. You were married at Gibson? A. Yes sir.
Q. Did you and Fred ever keep house outside of the Cherokee Nation anywhere? A. No sir, kept house. When I came to keep house we kept house until he died, and I buried him.
Q. Where? A. Out here on Timbered Hill, where I am living, on the five-yard.
Q. Your eldest child Fred was born on Timbered Hill? A. No sir.
Q. Where was he born? A. Charley is the eldest child, he was born in Gibson.
Q. Your eldest child of the minors, Fred, where was he born? A. On Timbered Hill.
Q. You have beenliving there ever since he was born? A. Yes sir.
BY MR. DAVENPORT:
Q. Didn't you live in Chetopa and haven't you got property up there now? A. No sir, I haven't.
Q. When did you dispose of it? A. I never had any.
Q. Didn't you live keep house and live in Chetopa? A. No, I never, I went around doctoring when they would come after me.
BY COM'R WELLS:
Q. You was a doctor was you? A. Well there women you know.
Q. Yes, women business? A. Yes, women business.
Q. You went as far as Chetopa when they sent for you? A. Yes sir, went as far as Ft. Scott for that matter.
Q. Did never move up there? A. Never moved up ther..

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Chief Meadler: Emily Walker applies for the enrollment of herself and three children, Fred, Flora and Bertha; she avers that she was a slave of the Grimmett family, and that she was married to one Fred Walker, a white man, now deceased. Her name cannot be found upon the Authenticated roll of 1880 or the census roll of 1890; she is duly identified upon the Vann-Clifton pay roll; she avers that and the testimony shows that she was a slave, and that she never moved outside of the Cherokee Nation during the war, and never held a residence out of the Nation; the evidence produced clearly shows that she is entitled to be listed for enrollment as a Cherokee Freedman; as well as her children; but by reason of the fact that the Cherokee Nation, by its representative, protests against the enrollment of said Emily Walker, she will, very reluctantly, be listed for enrollment as a Cherokee Freedman upon a doubtful card, as well as her children, Fred, Flora and Bertha; she will be notified by mail of the decision of the Commission when arrived at, in her case. She is now going by the name of Emily Grimmett, that having been her maiden name or the name of her master, but her only marriage, according to the testimony, was to one Fred Walker.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this June 21, 1901.

(signed) T.B.Meadler,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this September 10th, 1901.

Commissioner.

Q. How many negroes were there in that town? A. Well I couldn't say how many.

Q. Well how did you know that this was Easter Grimmett especially? A. I knew that Easter Grimmett at that time, and I don't know how I knew it was her; I knew it was her.

Q. You didn't know how you knew it was her? A. Well I knew it was her as well as I knew the name of anybody.

Q. There was quite a large colored population in the town at that time? A. Well I don't know how many; there was quite a number of them I suppose; the town wasn't so very big then as it is now. Q. Don't believe that the town had more than three thousand inhabitants about that time in '86.

Q. You simply knew her by seeing her past on the street occasionally? A. Yes, sir, I have spoken to her.

Q. You never had any business transactions with her, you say you was a single man? A. Yes, sir.

Q. Never worked for you? A. No, sir, no, I didn't employ workmen. I boarded at that time, wasn't keeping house.

Q. How do you know that that was her name? A. Well I know - I know just the same as I know anybody else's name, I know the woman, and knew that was her name, now I know it I couldn't tell you all the people I know their names just by moving the people.

Q. You say you know when she left there? A. I don't know when she left, no. I know her to be there for two years or more from the time I first knew her.

Q. How often did you see her? A. Oh I saw her quite frequently, quite frequently.

Q. Just passing on the street? A. Yes, sir, you see those days Fort Smith was a small town, and we knew pretty much everybody in town, as they generally do in a small place.

Q. Did you? A. Yes, sir.

Q. And you are yet? A. Yes, sir, been in that business since '86.

Q. [illegible]

COMMISSION. This testimony will be filed with and make a part of the record in the following Cherokee Freedman Cases: [illegible], D-712; [illegible] and D-710, the same being the case at bar.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger,

Subscribed and sworn to before me this 10th day of May, 1902.

F. G. Reuter, Notary Public.

Hette Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy, and that the same is a true and complete copy of the original.

[illegible]

Subscribed and sworn to before me this 2nd day of July, 1902.

To be filed in D 710.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 14, 1902.

In the matter of the application of Emily Walker et al for enrollment as Cherokee Freedmen.

Applicants appear by W. C. Jackson, representing Mellette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TO D-710.

JACOB RAMBERGER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A My name is Jacob Ramberger.
Q What is your postoffice? A Fort Scott, Kansas.
Q What is your age? A My age is 68.
Q How long have you been a resident of Fort Scott? A Well I have been a resident, lived there continuously since '66.
Q What time in '66? A In July.
Q In July? A But I have lived there - I come there first in '64.
Q You went away and came back in '66? A Came back, gone about less than a year, and came back in '66.
Q Did you know a colored woman there by the name of Easter Grimmett? A Yes, sir.
Q When did you know her? A Well I knew her in '66, I couldn't say as I knew her in '64 or not, I knew her in '66.
Q How long did you continue to know her? A I continued to know her two years or more after I first saw her.
Q Did she have a sister there? A She did.
Q Was she older or younger than she? A She was older.
Q Do you remember her name? A I do not.
Q Do you remember their mother Sylvia? A I do not know her mother's name.
Q You don't remember the name of her oldest sister? A No, I don't.
Q But you know that she had one? A I know she had one.
Q And she lived with her when she lived there? A Yes, sir.
Q You know that they lived there for two years or more after July of '66? A Yes, sir, I do.
Q In Fort Scott, Kansas? A Yes, sir.
Q Do you know whether they claimed to be Territory darkies?
A Well they had the reputation, supposed to be Indian negroes, what we used to call Indian negroes.
Q Do you know where they went to when they left there? A I do not.

MR. JACKSON: How far did these people live from you?
A How far from me their residence was?
Q Yes, sir. A Oh I don't think it could have been exceeding four or five blocks, maybe nothing more than three or four.
Q They lived in the negro quarters, negro part of the town?
A Yes, sir.
Q Did they work for you? A No, I was a single man then.
Q How often was you in the negro quarters? A Well I don't know as I was very seldom, but I saw them in town.
Q What business was you in? A I am selling clothing, have been ever since '66.
Q And these women came in there to buy clothing? A Oh yes, I

saw them on the streets.

Q How many negroes are there in that town? A Well I couldn't say how many.

Q Well how did you know that this was Hester Grimmett especially?

A I knew that Hester Grimmett at that time, and I don't know how I knew it was her; I knew it was her.

Q You don't know how you knew it was her? A Well I knew it was her as well as I knew the name of anybody.

Q There was quite a large colored population in the town at that time? A Well I don't know how many; there was quite a number of them I suppose; the town wasn't so very big then as it is now. I don't believe that the town had more than three thousand inhabitants about that time, in '66.

Q You simply know her by seeing her past on the street occasionally? A Yes, sir, I have spoken to her.

Q You never had any business transactions with her, you say you was a single man? A Yes, sir.

Q Never worked for you? A No, sir, no, I hadn't anybody working. I boarded at that time, wasn't keeping house.

Q How do you know that that was her name? A Well I know - I knew just the same as I know anybody else's name, I knew the woman, and knew that was her name; how I knew it I couldn't tell you all the people; I know their names just by knowing the people.

Q You say you know when she left there? A I don't know when she left, no. I knew her to be there for two years or more from the time I first knew her.

Q How often did you see her? A Oh I saw her quite frequently, quite frequently.

Q Just passing on the street? A Yes, sir, you see those days Fort Scott was a small town, and we knew pretty much everybody in town, as they generally do in a small place.

MR. HASTINGS: You were in the clothing business there, were you? A Yes, sir.

Q And you are yet? A Yes, sir, been in that business since '66.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-711, D-712, D-713 and D-710, the same being the case at bar.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger,

Subscribed and sworn to before me this 16th day of May, 1902.

F. G. Reuter, Notary Public.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy, and that the same is a true and complete copy of the original.

Retta Chick.

Subscribed and sworn to before me this 2nd day of July, 1902.

(Seal) F. G. Reuter

Commissioner.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and correct copy of the original transcript of said testimony.

Jesse O. Carr

Subscribed and sworn to before me this 2nd day of August, 1902.

Bruce Cornell
Notary Public

Testimony
Kate Ross
Dawes Commission
Muskogee, I.T.

File with F. D. 712.

F. D-710.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Emily Walker for the enrollment of herself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-710.

APPEARANCES:
Lewis T. Brown, representing Mellette & Smith, for applicants.
W. W. Hastings for Cherokee Nation.

DAVID LOGAN, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A David Logan.
Q What is your postoffice, Mr. Logan? A Lawrence, Kansas.
Q What is your age? A I will be 69 years old my next birthday. I was born January 1833.
Q Did you ever know a colored woman by the name of Emily Grimmett?
A Well I knowed of her, I don't know as I would know her now if I would see her, but then I did know her at one time.
Q Well when did you know her? A Well the best of my knowledge the time when I come back to Kansas, it was in the fall of '65, I come back to Kansas.
Q Well where was Emily Grimmett living at that time? A Why she lived out north of the bridge in North Lawrence, it was called Bridge Street.
Q Bridge Street? A Yes, sir, on the south of the river was called South Lawrence, but on the north side, there was a town on the north side, and that's called Bridge Street.
Q How long did you continue to live in Lawrence? A Well backwards and forwards to Lawrence for a year and a half or two years.
Q How long did you continue to know this woman? A Oh, I think that it must have been a year and a half, may be two years.
Q And you knew her first in the fall of '65? A The fall of '65.
Q Well then when did you move out of the town? A In the spring of '67 I left town, went to work for a man by the name of Robinson.
Q Well did you know her up to that time? A Well I knowed of her being there, I can't say that she was there all the time at that place, but then there was a man there that brought my attention on Bridge Street, some white man, they said she had married, and that he was her husband.
Q Well what was his name? A Well I think they called him Grimmett, won't be sure.
Q Called him Grimmett? A I think so, won't be sure now, I never bothered much around there after they had, that is after I went to the country because they didn't come that road.
Q Well you think the man's name was Grimmett? A I won't be sure, but I say it seems to me like that they called him Grimmett, they used to, I am satisfied they called her Walker at one time.
Q Called her Walker at one time? A Yes, sir.
Q Well do you know whether that was her maiden name or whether that was her husband's name or what? A I couldn't tell you that.
Q But she went by both names? A Yes, sir, that is what people said, I don't think that ever I said a word to her in my life, not to her individually.

MR. BROWN: So she gets her name Grimmett by reason of the fact that she married a white man up there by the name of Grimmett, is that it? A I don't know that she married this man, I know that he was her man.

Q Well now was she marriedwhen you first became acquainted withher?
A I couldn't tell you that either.
Q Where was she living when you first become acquainted with her?
A On Bridge Street where she was living last I knew of her, out north of the bridge.
Q When did you move to that vicinity yourself? A Moved from it?
Q To it? A Well I moved, I didn't move there--I come in ox travel from Colorado in the fall of '65, September.
Q Well now that's been a long time ago, hasn't it, about 37 years ago? A Yes, sir, that's been a good while.
Q Now you don't remember exactly when it was that you got acquainted with that woman, do you? A Well I remember this much about it; I can't say that I know the dates when I got acquainted with her, but it was after I came there.
Q Sometime after you come back? A Yes, sir.
Q Nor can you swear positively how long that she stayed in that vicinity after you come there, can you? A Well, the house and the goods there where she was at was there when I went onto the other farm to work.
Q Well we are talking about the woman now. A Wellshe must have been, the man was there, man they said was her husband after I went out there to work, and whether he was her husband or not I can't tell you.
Q Well now you say you never spoke to this woman in your life? A Not as I know of in my life; but other folks told me who she was, and I asked lots of people who it was living there; at some times I could see them there and other times I couldn't see them there I suppose; sometimes when she would go; she had to work out.
Q She was gone sometimes wasn't she before she left there after her goods? A Well I know I missed her at times because I wasn't always on the road.
Q Well now, Mr. Logan, if this woman herself and L. D. Daniels and Easter Williams and Fred Martin and Pollie Nivens have testified that in the fall of '66 this woman was in Fort Gibson, are you going to say that's not true? A I can say that Fred Martin might have been, if there's a Fred Martin with one hand; wasn't there himself.
Q Fred Martin with one hand? A Only just one hand.
Q Suppose that Fred Martin had two hands, will you swear to that? A I don't know, they said he was a Cherokee freedman, but he had one hand, he could do as much work as anybody, worked on the railroad with him myself.
Q His name was Fred Martin? A And some folks said that he was born that way.
Q Well his name was Fred Martin, wasn't it? A Yes, sir, I think it's Fred Martin.
Q Well you are positive of it? A Yes, sir, I am positive of it.
Q Now if these persons whose names I have mentioned have already testified that this Emily Walker, who has applied here for citizenship, was in the Cherokee Nation in the fall of '66 are you going to say that's not true? A I don't say that it wasn't true; but I am going to say that she was backwards and forwards here or else mighty often at home.
Q Now you claim to have known her for a year and a half or such a matter up there? A Well from eighteen months up to two years.
Q Well now are you going to swear that this woman wasn't in the Cherokee Nation in the fall of '66? A How could I swear that when I didn't keep track of it.
Q You don't know where she was then do you? A I don't know where she was when I didn't see her.
Q There was many times that you didn't see her? A There was times I didn't see her.
MR. HASTINGS: You had no occasion to go to her home every day? A Oh Lord no.
Q You don't know that she was ever away from there do you? A No, I don't know,, if she was away from there; I said just now that

times sometimes was nobody there and then again they was there.
MR. BROWN: You had no occasion to remember when it was that you first met her did you till the other day, thirty-seven years ago? A Well the reason why that I remember, if you want it, that little circumstance, I can tell the reason why I remember that.
Q Well tell it? A Wels Riley had a wife in the same roof; he was said to be Aunt Mariah Buffington's son-in-law, and I was well acquainted with Aunt Mariah and Uncle Rock, and they lived along the road there, and I used to holler at them very often.
MR. HASTINGS: Uncle Rock Buffington? A Yes, sir.
Q I expect we had better keep you till tomorrow. A No, sir, I couldn't stay.
Q What is your business? A Well I am hauling sand for a living and have been for nine years right there, team standing in the barn doing nothing while I am here, and another one hired for another--
MR. BROWN: How many times have you been arrested? A I haven't been arrested yet at all.
MR. HASTINGS: Did you know any other colored men up there?
MR. BROWN: Objected to for the reason that it has nothing to do with this case.
MR. HASTINGS: Let him go ahead and get it in the record.
COMMISSION: The objection will be noted; answer the question.
MR. HASTINGS: Did you know any other colored men up there? A Yes, sir, I know others.
Q Name some of them? A Oh, some of them that I did know at one time.
Q Yes. A That was said to be Cherokee freedmen; I know lots of folks that's there now.
Q Well that was said to be Cherokee freedmen? A Old Uncle Rock Buffington was one; Spencer Bell was one, I think Spencer Bell died in Ottawa, I won't be sure, he was buried in Lawrence so I'm told, I wasn't there to the funeral, but they told me he was buried in Lawrence.
Q Did you know Ben Bean? A I did and Bill Bean.
Q Know Rachel Bean? A Yes, sir, I knowed of her and knowed her and was acquainted with her.
Q How long did you know her there after the war? A Oh, I can't say after the war, I went there, I was in Colorado the fall of '65 and I come back to Lawrence, and I got acquainted with them there, because at that date I was gone a while and so was Ben. Bill Bean has a son in North Lawrence, named him Bill after him, and goes by the name of Bill Bean.

MRS. JAMES SMITH, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Mrs. James Smith.
Q What is your postoffice? A Why I live on 231 Lincoln Street, Lawrence.
Q Kansas? A Yes, sir.
Q How long have you been living there? A Oh, I have been living in Lawrence about twenty-five years.
Q You have been living there longer than that, haven't you; what year did you come there in?
MR. BROWN: Question objected to as leading, as she has already stated that she has been there twenty-five years.
Witness: I come in '67; I went back west you know after I came to Lawrence the second time. Then I got married and settled down.
MR. HASTINGS: How long did you live there when you came there in '67? A Stayed there till the latter part of '68, and then I went out west to Junction City.
Q Did you know a colored woman up there by the name of Emily Grimmett or Emily Walker? A I know we always called her Mrs. Grimmett, I never knew of Walker; I heard though something about Walker, I always called her Emily Grimmett; that's what we called

her, and Mrs. Buffington told me that was her name when I get acquainted with her.
Q When did you get acquainted with her? A I guess it was in '67.
Q How long did you continue to know her? A Oh, when I come to town why I would see her off and on of course, I seen her, and well I went west, off and on until I went out west.
Q Well when did you go west? A The latter part of the year; I couldn't tell you exactly what time.
Q Well thelatter part of that year? A '68.
Q Where was this woman living when you knew her, on what street I mean? A Oh, she lived up on Bridge Street, where Mrs. Buffington lived when I first for acquainted with her.
Q Did she have any man living with her as her husband? A She didn't have she said; they said she was a married woman; I didn't know of course; she was a stranger to me and she had two little children I know, and Mrs. Buffington said she was a married woman, and that she had married a German, that's what she said, she had married.

MR. BROWN: What was the German's name? A I don't know his name.
Q What did you call him? A I couldn't tell you what his name was; they called him a Dutchman was all I know; I never seen the man, and wouldn't know him if I was to see him.
Q Would you know the woman if you was to see her? A Hardly I guess, been a long time since I seen her.
Q What year did you go to Lawrence in? A 1867.
Q What time of the year? A Fall.
Q How long did you stay there? A How long did who stay?
Q You? A I stayed till 1868.
Q Where did you to from there? A Junction City.
Q How long did you stay there? A Four or five days, more than that I guess.
Q Which was it? A I don't know what it was; I didn't keep track of it because I didn't have any need to.
Q Did you have need to keep track of the time you got acquainted with this woman? A No.
Q How do you fix the date? A I fix it because I knew when I come down here in the winter, well I got back in the winter.
Q You mean here to this country? A Down to Lawrence from Junction City, and stayed till winter.
Q That's how you fix the date, because you come down in the winter? A Along in the winter of '67, and went back.
Q How do you know it was '67? A How do I know it was '67? Because it was '67.
Q What year were you born? A What year were I born? Well I know it was in '67, I know that my child was born in '68, and that's the reason I knew it was '67 when I came here.
Q What year were you born? A I was born in '46.
Q How old are you? A I don't know, sir.
Q And where did you go when you left Junction City? A I come down here to Lawrence.
Q Been living there ever since? A Living there ever since.
Q What did you do for a living along in '67 and '8? A I worked.
Q What kind of work? A House work.
Q What year were you married? A I don't know what year.
Q How long had you been to Lawrence when you got married? A I don't know how long.
Q About how long; ten years? A No, sir.
Q Five? A I don't know whether five or six; I know it ain't ten.
Q How many children did you have before you were married? A I don't know as I had any before I married.
Q Didn't you have some before you married? A Don't know as it's any of your business if I did. I had children before I was married? No.

Q You swear you didn't? A Yes, sir, I said when I came down to Lawrence, I got married in '68.
Q And you were living, as you state, in Lawrence five or six years? A Came down in '67 and my little girl as I stated was born in '68, May, 29th day of May.
Q And you have already stated that you was living in Lawrence five or six years before you married? A Well I know I was.
Q Then your child was born the next year after you came there? A Yes, sir.
Q Then you had a child five or four years old before you married? A Yes, sir.
Q You had a child four or five years old before you married? A Yes, sir.
Q Why did you tell me a while ago that you didn't have? A I didn't say I didn't have; I didn't know as it was any of your business if I did have one.
Q Didn't you say a while ago that you never had a child until after your marriage? A I said I didn't know as it was any of your business. I said that.
Q And if you told me a while ago that you didn't have a child before you were married you testified to that which wasn't true? A Yes, sir, I said that I had a child.
Q Well now when you told me a while ago that you didn't have a child before you married you were testifying to that which was not true? A Yes, sir, I testified to that, I told you I had a child before; I said that, and then you kept asking me if---
Q What was your name before you were married, Mrs. Smith?
A My name was Parthenia.
Q Parthenia what? A Williams.
Q Where did you live from '67 until the latter part of '68? A I lived in Lawrence.
Q What kind of a house did you run? A I run a white folks' cook kitchen; that's what kind of a house I run; for General Babcock, worked for him, and you can get my recommendation if Lawrence if you want it.
Q Well were you personally acquainted with this woman about whom you have been testifying? A I said that I seen the woman, was acquainted with her by going to Mrs. Buffington's.
Q Were you personally acquainted with the woman about whom you are testifying? A Why I seen her.
Q Were you personally acquainted with her? A I knew her, see her.
Q Did you visit her? A Why no, she was living next door to Mrs. Buffington, she and the children.
Q What was the children named? A I don't know.
Q Do you remember whether the woman you are testifying about is the same woman that's applying here or not? A It's the same name.
Q I am talking about the woman; do you know whether it's the same woman or not? A I knew Emily Grimmett down there.
Q Do you know whether it's the same woman or not.
COMMISSION: Answer the question if you can, Mrs. Smith. We are lossing a whole lot of time here.
Witness: I mightn't know her because it's been so long since I knew her.
MR. BROWN: Where was this woman in the fall of '66? A '66, I don't know.
MR. HASTINGS: Do you know whether or not she was known as a Cherokee slave or a Cherokee darkey or not? A I never asked her anything about that; I heard she was going down to the Nation, Mrs. Buffington said; I don't know anything about it because I was working, and don't know anything about that.

CHARLES SNOW, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A My name is Charles Snow.
Q What's your age? A 70.

Q What's your postoffice? A Lawrence.
Q Where did you live in '65? A In Lawrence.
Q Have you lived there since that time? A Yes, sir.
Q What was your business in '65, '6, and '7? A Baker there.
Q Baker? A Yes, sir.
Q Did you ever know a colored woman by the name of Emily Grimmett?
A Yes, sir.
Q Where did she live? A She lived there on Bridge Street.
Q How far did she live from your place of business? A Well it was but a short distance away, two or three hundred yards.
Q Do you know whether she was married or whether she lived with anybody as her husband? A Yes, sir.
Q Do you know what his name was? A No, I don't know who.
Q Did you ever hear his surname called? A No, I don't know as I did.
Q Don't know as you did? A No.
Q How long did you continue to know this woman? A Well I knowed her personally in '66.
Q Well how long did you continue to know her, how long did she live there? A Up to the year '70.
Q Did she live at this same place? A Yes, sir, as far as I know she dis.
Q Did you see her frequently? A Yes, sir.
Q Where did you see her? A On the street about town.
Q Did you know whether she was known as a Cherokee darkey or not?
A I don't.
Q You don't know about that? A No, sir.
Q You know that she was living with some man up there? A Yes, sir, a white man.
Q White man? A Yes, sir.
Q Would you know his name if you would hear it? A I don't know whether I would or not.
Q Was his name Jones, or Smith, or Walker? A Something like Walker more than anything else, still I don't know.
Q You wouldn't be certain? A No, sir.
MR. BROWN: Wasn't his name Grimmett now? A Sir?
Q Wasn't this man that she lived with name's Grimmett? A Not that I know of.
Q You don't know what his name was, do you? A No, I don't know.
Q This fellow Dave Logan he would know what his name was wouldn't he?
A Probably he would.
Q Well now what year did you say that she left there in? A Well I don't know what time she left. I know the time I left there myself, and she was there in '70.
Q When did you leave there; in '70? A '71. Bought a piece of land there.
Q She left in '70 and you left in '71? A That's the last time I saw her.
Q In '70? A Yes, sir.
Q When did you leave Lawrence? A Left in '71.
Q Well now who left first you or her? A I couldn't tell you.
Q Then you didn't see her from '70 to '71? A No, sir.
Q Although she lived in tw o or three hundred yards of your house?
A Yes, sir. I moved out of town in '71.
Q Well now where were you from '70 till '71? A I still lived in town.
Q Where was she? A I suppose she was there yet so far as I know.
Q Well was she there? A I think she was.
Q When you were mistaken when you said she left there in '70? A I didn't say she left there in '70.
Q Well you say you knew her there until '70? A I left there in '71 myself, and '70 was the last time I saw her.
Q What month? A It was along in the fall cometime.
Q Well, about October? A Well it was something near Octover or November, latter part of the year.
Q Well now, Mr. Snow, there were a great many people living around

there during that time wasn't there? A Yes, sir, there was sure.
Q Great many colored people? A Yes, sir.
Q How is it you remember the exact time that you first saw this woman and the exact time, even to the month, that you saw her for the last time? A I don't say the month at all, sir.
Q How is it you remember as to years? A Because the reason I know this year on account I was boarding with a woman, it was in '66, the time they was building the Union Pacific Railroad, and we was keeping boarders, and there was some talk about this lady and this white man living together, and we were talking about them on the porch, and after a while they came down the road, come down the street, and they said that's the lady that lives with a white man.
Q Well I can't--- A Well I say we was having a conversation there on the porch about this colored woman and the white man living together, and finally one of the boys says, "There goes the lady," he says, "that lives with a white man," and I know as he said how they ought to be tarred and feathered, or something of that kind.
Q Both of them? A No, sir, the white man.
Q What year was that? A That was in '66.
Q What time of the year? A That was along in the summer sometime.
Q Well now, Mr. Snow, if this woman herself and a man by the name of L. B. Daniels, and a woman by the name of Hester Williams, and another woman by the name of Pollie Rivens, and a man by the name of Fred Martin, have sworn that this woman was in Fort Gibson in the fall of '66, are you going to say that's not so? A Well, she was there in '66.
Q All the time? A I won't say that she was all the time; I saw her frequently.
Q Well I am speaking now of the fall of '66. A Yes, sir, she was there in '66.
Q The fall of '66? A Yes, sir.
Q Was she there in the spring of '66? A She was along in the summer along in '66. Well now we are talking about the woman, I know she was there in the summer, yet I hear menshave swore that she wasn't. I saw her frequently. I don't know that it was then at that time or not.
Q You wouldn't swear that she wasn't in Fort Gibson during the fall of '66, would you? A Yes, sir, I think---

MR. HASTINGS: Did you see her quite frequently from '66 until '70, that is just like anybody else that's living in the town? A Yes, sir.

MR. BROWN: Mr. Smith, you didn't see her when she wasn't there of course? A Sometime I wouldn't see her, no.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Ida Young, D-711, Emma Walker, D-712, Hannah Briggins, D-713, and in the case of Emily Walker, D-710, the same being the case as war. It appears from the records of the Commission that all of the above applicants are represented by Mellette & Smith, who appear by Lewis T. Brown.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 1st day of July, 1902.

(Signed) P. G. Reuter,

Notary Public.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and correct copy of the original transcript of said testimony.

Jesse O. Carr

Subscribed and sworn to before me this 2nd day of August, 1902.

Bruce G. Jones
Notary Public

[illegible]

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Emma Walker, D 712;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a ~~copy~~ certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

[illegible] OF THE [illegible]

[illegible] TO THE [illegible] [illegible]

In the matter of the application for the enrollment of Emily Walker et al, as Cherokee freedmen, submitting [illegible] applications of:

Emily Walker et al	Cherokee Freedmen D 710
Ida Young et al	Cherokee Freedmen D 711
Rena Walker	Cherokee Freedmen D 712
Hannah Brigging et al	Cherokee Freedmen D 713

O R D E R.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Emily Walker (formerly Grimmett), for herself and her minor children, Fred, Viera, and Bertha Walker; by Ida Young for herself and her minor children, Pet L., Caroline and Rena Young; by Rena Walker for herself; and by Hannah Brigging for herself and her minor child, Lottie Brigging.

The evidence shows that the applicant, Emily Walker (formerly Grimmett), was the slave of a Cherokee citizen residing in the Cherokee Nation at the commencement of the rebellion; that she went out of said nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al, for the return of freedmen to said nation.

The evidence further shows that all the other applicants herein are the descendants of said Emily Walker, born since 1866, and have no right to enrollment except such as they may have acquired through her.

None of the applicants herein, then living, can be identified on the Cherokee authenticated roll of 1880.

[illegible]

Commissioner, [illegible] Agent for Tribes, [illegible] and is so prepared.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby.

Chairman.

SIGNED. T. B. Needles.

Commissioner.

SIGNED. [illegible]

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this APR 23 1894

6 320712

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901

ACTING CHAIRMAN

COMMISSIONERS:
WENDY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 12th, 1901, in the matter of the application of Emma Walker for the enrollment of herself as a Freedman of the Cherokee Nation.

Mellett & Lynch

Attorneys for Applicants.

Cherokee F. #0712.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREWER
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-712.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 5, 1904.

Emma Walker,

Welch, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register
Enc. D-183.

COPY.

Cherokee Freedmen
D-710 et al.

Muskogee, Indian Territory, May 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Emily Walker et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-187.

COPY.

Cherokee Freedmen
D-718 et al.

Muskogee, Indian Territory, May 8, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pat L., Caroline and Emma Young, Hannah and Lottie Briggins as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-186.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-710 et al.

Muskogee, Indian Territory, May 5, 1904.

Edgar Smith,

Attorney for Emily Walker et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Viera, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Bringing as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Doc. D-186.

COPY

Refer in reply to the following:
Land X1891-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 23, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 5, 1904, transmitting for your consideration the applications of Emily Walker, et. al., as Cherokee Freedmen.

April 20, 1904, the Commission rejected the applicants.

From an examination of the record of the evidence it appears that Emily Walker- who was formerly known by the name of Emily Grimmitt, for herself and her minor children, Fred, Flora, and Bertha Walker, and Ida Young, daughter of said Emily walker, for herself and her minor children, Pet L., Caroline and Emma Young; and Emma walker for herself and by Hannah Briggins for herself and her minor child Lettie Briggins, make application for enrollment.

All of said various applicants are descendants of said Emily Walker (Emily Grimmit), born since 1866 and have no right to enrollment except such as comes to them through their said ancestor, Emily Walker - and if she has no right, and the said descendants do not come within some provision of some statute giving them a right independently of the right of inheritance, they are not entitled to enrollment.

And it appearing from the record that the said Sally Walker was a slave of a Cherokee citizen residing in the Cherokee Nation at the commencement of the rebellion, that she went out during the rebellion and did not, according to the weight of the testimony in our opinion return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

It is therefore recommended that action of the Commission rejecting said applicants for enrollment be sustained, and that said Sally Walker, Fred Walker, Flora Walker, Martha Walker, Ida Young, Pat L. Young, Caroline Young, Jane Young, Rose Walker, Hannah Boggins and Lettie Boggins should be denied enrollment as Cherokee freedmen, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and that it be so ordered.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

JMK.

W.C.R.
J.P.

D. S.
18628-1904.
I.T.D. 4236-1904.
L.R.S.

THE
DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 2, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 5, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Sally Walker, et. al. (F.D.720 et al.), including your decision of April 20, 1904, rejecting the applications for the enrollment of Sally, Fred, Flora, Bertha and Emma Walker, Ida, Pet A., Caroline and Emma Young, Hannah and Lettie Driggins.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,
(Signed) Thos Ryan.
Acting Secretary.

1 inclosure.

Mdg

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
D 712

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 14, 1904.

Emma Walker,

Welch, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 720, et al.

Muskogee, Indian Territory, June 14, 1904.

W. F. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 30, 1904, rejecting the applications for the enrollment of Molly, Fred, Flora, Bertha and Rose Walker, Ida Pet L., Caroline and Rose Young, and Hannah and Lottie Driggins as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 710, et al.

Muskogee, Indian Territory, June 14, 1904.

[redacted] Smith,

Attorney for Emily Walker, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Elora, Martha and Rose Walker, Ida, Pet L., Caroline and Rosa Young, and Hannah and Letcie Driggins as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

To 28,712

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 12 1901
Atty.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 12 1901

Post Office Welch, I.T.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Doubtful Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Emma Walker Age 23

Owner's name ..... Citizenship .....

Year K.C. Page 157 No. 3887 District Cow

Parents:

Father Fred Walker — dead Citizenship .....

Mother Emily " — living Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No. 1 Stenographer M. D. Green

No. 1 On K.C. roll as Emma Grimmett

X Ref D 710

Represented by Mellette and Smith, Vinita, I.T.

Clerk's Office
FILED
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

RE-OPENING OF CHEROKEE LAND OFFICE.

Notice is hereby given that the Commission to the Five Civilized Tribes will resume the reception of applications for allotments in the Cherokee Nation and all other work of the Commission affecting the allotment of lands in the Cherokee Nation at the Cherokee Land Office of the Commission in Tahlequah, Indian Territory, on MONDAY, MAY 2, 1904, at 9 o'clock A. M.

TAMS BIXBY,
Chairman.

T. B. NEEDLES,
Commissioner.

C. R. BRECKINRIDGE,
Commissioner.

Muskogee, Indian Territory,
April 23, 1904.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MAY 7 1904
REGISTERED

Reg. 31/31

RETURN TO WRITER

RETURN TO WRITER

~~Jane Walker,~~

~~Yaleh, Indian Territory.~~

SEP 23 1904

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERR.

CF & 712

Jno. Leslie

RETURN PRINTED

Emma Walker,
~~Welch, Indian Territory.~~

Unclaimed For

PENALTY FOR PRIVATE USE

Cher. Fr. R. 378

See Cher. Fr. R. 375

Cher. Fr. R. 378

Walker et al vs [illegible]

Court Proceeding

Emily Walker applies for the enrollment of herself and three children, Fred, Flora and Bertha; she avers that she was a sister of the Grimmett family, and that she was married to one Fred Walker, a white man, now deceased. Her name cannot be found upon the authenticated roll of 1880 or the census roll of 1890; she is duly identified upon the Kern-Clifton roll; she avers that and the testimony shows that she was a sister, and that she never moved outside of the Cherokee Nation, during her life, and never had a residence in Texas. The evidence produced clearly shows that she is entitled to be listed for enrollment as a Cherokee Freedman, as well as her children; but by reason of the fact that the Cherokee Nation, by its representative, protests against the enrollment of said Emily Walker, she will, very reluctantly, be listed for enrollment as a Cherokee Freedman upon a doubtful card, as well as her children, Fred, Flora and Bertha; she will be notified by mail of the decision of the Commission when arrived at, in her case. She is now going by the name of Emily Grimmett, that having been her maiden name or the name of her mother, but her only marriage, according to the testimony, was to one Fred Walker.

W.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) W.D.Green.

Subscribed and sworn to before me this June 21, 1901.

(signed) [illegible]
Notary Public

FILED
JUN 13 1901
IN THE SAME OFFICE WITH THE COMMISSION

File with C.F. D- 713, Hannah Briggins, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Emily Walker for the enrollment of herself and three children as Cherokee Freedmen, being sworn and examined by Commissioner Needham, she testified as follows:

Appearances:
Samuel Mellette & Smith, for the Applicant;
Mr. Jas. Lynch, for the Cherokee Nation.

Q What is your name? A Emily Grimmett.
Q What is your age? A About 50, or pure.
Q What is your post-office? A Welch.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A Three children.
Q Are they under age? A Yes sir.
Q Give me the names of the children? A Freddie.
Q How old is Fred? A 20.
Q What is the name of the next one? A Flora.
Q How old is Flora? A 19 I guess.
Q What is the name of the next one? A Bertha.
Q How old is Bertha? A 17.
Q That all? A That's all under age.
Q How many have you got that's over age? A Four.
Q Is your name on the authenticated roll of 1880? A It ought to be 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined andapplicants identified thereon as follows:
page 157 #3884 Emily Grimmett, Cooweescoowee District;
page 157 #3889 Fred Grimmett, Cooweescoowee District;
page 157 #3890 Flora Grimmett, Cooweescoowee District;
page 157 #3891 Bertha Grimmett, Cooweescoowee District.
Q Are you married? A I am a widow.
Q What was your husband's name? A Fred Walker.
Q Have youmarried since? A No sir.
Q How does your name happen to be Grimmett if your husband was named Walker? A My master was named Grimmett.
Q But your name is Walker now? A Some calls me Walker and some calls me Grimmett.
Q What do you call yourself? A I just go by what they call me.
Q How long has your husband been dead? A 15 years or more.
Q What's Fred's name? A Walker.
Q These children are all named Walker aint they? A Yes sir.
Com'r: Her name is Walker.
Q Were you ever married more than once? A No sir.
Q Your name before youwas married then was Grimmett? A Yes sir.
Q What was your father's name? A Robert Grimmett Jank Ratliff.
Q What was your mother's name? A Sylvia Grimmett.
Q You never went by your father's name? A No sir.
MR. SMITH:
Q You say you have always been known as Emily Grimmett? A Yessir.
Q Was you a slave? A Yes sir.
Q Who did you belong to? A Billy Grimmett.
Q Have you some witnesses here? A Yes sir.
Q Was Billy Grimmett a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Flint District.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A At the breaking out of the war I was living in Tahlequah.

Q Did you go out of the Nation during the war? A No, I didn't go out right away.
Q Did you go out at all while the war was going on, if so, at the where you went to? A I followed the soldiers around.
Q When did you come back to the Cherokee Nation after the war was over? A Pretty soon, was around in the Nation, until all the soldiers directly after the war was ended.
Q I don't understand you [illegible] when did you first come back to the Cherokee Nation, if you went out during the war? A It was in '66.
Q Where did you come to? A To Gibson, Ft. Gibson.
Q Who came with you to Ft. Gibson? A Everybody among people of Emma Walker.
Q How long did you stay about Ft. Gibson after you got to Ft. Gibson at that time? A I just stayed around and moved backwards and forwards right in Gibson, first one place and another.
Q How many children have you besides the ones you apply for here, Fred, Vina and Bertha? A I have three.
Q How many children have you had over 21 years old? A Three would be five.
Q Give me the names of your grown children? A Charley.
Q Charley Grimmett or Walker? A Charley Walker.
Q Was he ever called Charley Grimmett? A Yes sir.
Q Well anyhow, what other grown children have you? A Ida Grimmett.
Q Is Ida married or single? A She is married to Will Young.
Q Her name is Ida Young? A Yes sir.
Q Where does Charley live? A Charley Walker is working now on the road, working for a drummer, in Texas.
Q Where does Ida, your married daughter, live? A She lives in Delaware district, up there close to Vinita.
Q Now about Charley and Ida we have spoken about, what other grown child have you? A Sebron, he is dead though.
Q What other than besides Sebron? A Emma.
Q Is she married or single? A She is single, and lives at home with me.
Q Is she the daughter of your husband whose name was Walker? A Yes sir.
Q Her name then is Emma Walker? A Yes sir.
Q Is she ever known as Emma Grimmett? A Yes sir.
Q Where does Emma live? A Lives with me in the house withme.
Q Where do you live? A I live 25 miles from Vinita, on Timbered Hill.
Q Is Timbered Hill in the Cherokee Nation? A Yes, sir, in Delaware district.
Q You have mentioned Charley and Sebron, who is dead, and Emma and Ida, now is there another one? A Hannah.
Q Is she married or single? A She has beenmarried.
Q What was her husband's name? A Oscar Briggins.
Q Where does Hannah live? A With me.
Q At your home on Timbered Hill, in the Cherokee Nation? A Yes sir.
Q Does she go by the name of Hannah Briggins, or Hannah Walker, or Hannah Grimmett? A She used to go by both, she goes by Briggins now.
Q How old did you say you are, Aunt Emily? A about 50 some odd years old, I don't know exactly.
Q What is the reason youcan't remember the names of your children any better than you did? A My recollection, I can'tstudy it good, my head is not right, I can't think, I have just got out of a bed of sickness and I can't remember good.

BY MR. DAWESFORD:

Q You talked to Bill Grimmett? A Yes sir.

Betty Walker page 2

Q [illegible] belong to Bill Grimmett at the breaking out of the [illegible]
A [illegible] sir.
Q [illegible] years before the war broke out?
A [illegible] I belonged to his father, named [illegible]
Q [illegible] the breaking out of the war?
A [illegible]
Q [illegible] rope hung, by the other [illegible] I belonged to the old man.
Q One died a natural death and the other one was hung during the war? A I belonged [illegible]
Q [illegible]
A [illegible]
Q Was she her mark at the breaking out of the war? A Yessa, crim [illegible]
Q Was Bennet married? A No sir.
Q [illegible] know what became of Bennet when the war broke out? A Yes sir
Q Where did he go? A He died.
Q During the war? A No, before the war.
Q Then who did you belong to when the war broke out? A I belonged to Bill Grimmett.
Q There was still some more of the Grimmetts, which one of them? A Betsy.
Q Why did Betsy marry? A She married into the Taylors, she married Bill Taylor.
Q Did Betsy leave the Territory during the war? A Yes sir, she left long after the soldiers came in there.
Q You know whether or not she ever returned after the war? A No sir, she was in Ft. Smith I think, I could hear from her.
Q They were living in that district when the war broke out, Betsy and her husband? A Right.
Q Did you leave the Territory during the war? A Yes sir.
Q Where did you go? A Ft. Gibson.
Q Well you didn't leave the Territory at all, though, when the war broke out, did you? A No, I didn't go out with the people, either Southern North? A I was with the soldiers, they went once- they came and took us away.
Q Now since the war where have you been living? A On Timbered Hill
Q When did you move to Timbered Hill? A I have been to Timbered Hill. I couldn't tell just how many years it has been, because when they taken the census the other time it was about 14 or 15. I can't just exactly think of it, because I don't know the facts.
Q Have you lived any other place since the war except Ft. Gibson and Timbered Hill? A No sir. I haven't lived no place around Timbered Hill and I worked around Vinita.
Q Who did you work for at Vinita? A I stayed around and worked for at the Daniels.
Q She was the mother of Mrs. Lucien Buffington? A Yes sir.
Q When you were at Ft. Gibson who did you work for? A I worked for the soldiers, cooking.
Q Aunt Ann Brown was living there at that time? A Yes sir.
Q You knew her? A Yes sir.
Q Have you lived in the State of Texas any in your life? A Nosir.
Q Arkansas? A No sir.
Q Texas? A No sir, I don't know where Texas is.
Q Have you ever lived in any country except the Cherokee Nation? A [illegible] Cherokee Nation.
Q You don't remember any other country? A No sir.

BY MR. SMITH:

Q Have you any brothers and sisters? A Yes sir.
Q What are their names? A Ben Grimmett is the oldest brother.
Q You know whether he is on the land roll as age? A I guess so, I don't know, I couldn't swear that.
Q How old is he? A About eighty I guess.
Q You don't know? A No sir.

Emily Walker et al.

Q. [illegible] A. He is going [illegible].
Q. [illegible] A. [illegible]
Q. [illegible] roll or not? A. Perhaps the [illegible]
[illegible] roll of citizens of the Cherokee Nation [illegible] identified as [illegible] adopted [illegible]
[illegible] of being immaterial and incompetent, and [illegible] records.
Q. [illegible] you not a brother Ben, that are has children? A. [illegible]
[illegible] I object to that.
[illegible] Oh that's too much.
[illegible] BY MR. DAVENPORT:
Q. I [illegible] you to call to Mr. Davenport that you never went out of the Cherokee Nation, that you lived at Ft. Gibson all the time during the war? A. Yes sir.
Q. You never went out of the Cherokee Nation? A. No sir.
Q. You never went into the state of Kansas during the war?
A. No sir.
Q. Not to camp? A. No sir.
Q. Not Annuitant? A. No sir.
Q. Here all the time? A. Yes sir.
Q. Why is your name now on the roll of 1880? A. There's something wrong about it, because I was right in Tahlequah at Mrs. Jim Stephens, and worked around there.
BY MR. DAVENPORT:
Q. You don't mean to say that Jim Stapler was married in 1880?
A. Aint Elizabeth Stapler's mother named Jane.
Q. Whenever you said that? A. (No reply.)
L. D. DANIELS, being sworn and examined by Con's Nazlica, testified as follows:
BY MR. SMITH:
Q. State your name? A. L.D. Daniels.
Q. Where do you live? A. At Claremore now.
Q. How long have you lived in the Cherokee Nation? A. All my life.
Q. Do you know this applicant, Emily Grimmett, or Emily Walker?
A. Yes sir.
Q. How long have you known her? A. I knew her before the war and I have known her since that time.
Q. Do you know whether she was a slave or not? A. Yes sir.
Q. You know who she belonged to? A. Bill Grimmett.
Q. Was Bill Grimmett a Cherokee Indian? A. Yes sir.
Q. What family did she have? A. Bill Grimmett had a young lad when he were hung.
Q. You remember hearing before the war he was hung? A. I think it was in '58 or '59.
Q. What relatives did he have? A. I didn't get so intimate with his kin folks. I got acquainted with this my woman's mother, and always lived in Gibson and hired out all the while, and I lived there long before the war.
Q. Do you know of your own knowledge what became of Emily or where she was during the war? A. I saw her there a part of the time at Gibson.
Q. When did you expect see her after the war closed? A. Well I aint certain, I think it was though justbefore the cholera, and the cholera was in '67; commenced along about April or May or June.
Q. You know how long before the cholera was that that you saw her at that time? A. Oh she was there after the surrender.
Q. How long after the surrender? A. She was cooking up there in the

quarters, and I couldn't tell. Just saw her every once in a while, cooking up there at the soldier quarters, Major Lugenberry.
Q You know whether she remained in the Cherokee Nation or not during the war? A No I don't.
Q When was the time you saw her there, the first time you spoke about awhile ago? A I saw her there in '63, and I went to the Choctaw Nation the first day of March, '63, and I came back in August, in September, on the 10th of August, and went back in August to the Choctaw Nation again in September, and came back in February, '63, and I found Emily there cooking in those soldiers' quarters there.
Q Where is Mt. Gibson, where
Q Then when did you next see her after you saw her in '63? A I saw her there when the Cherokees was mustered out at the soldiers' quarters, that was in June some time, I think, '66.
Q Then when did you next see her? A I am positive of this fourth time, I seen her, but I think she was there just before the cholera breakout.
Q You don't know how long before the cholera broke out? A It was the same spring, that was in '67.
Q Did you see her yourself during the year of '66? A Yes sir.
Q Where? A At Mt. Gibson.
Q What time in '66? A It was in summer I believe, or the fall, soldiers were mustered out in '66. I don't know whether it was May or June, and Emily were there then. I am positive of that, because I remember.
Q And then what time was it in '66 that you saw her? A I told you awhile ago that it was near about the fall of '66 and I wasn't certain but that I remember there in the spring of '67 before the cholera broke out; that's just what I said.
Q When did you next see her after you saw her just before the cholera broke out? A I remember instead seeing her in Tahlequah and I disremember - I had moved away from Gibson and I disremember whether that was in the fall she were at Tahlequah there doing laundry work.
Q Can you state how long it was after '67? A It musthave been seven or eight or nine years. I couldn't say, but I was always to Tahlequah and she were doing laundry work, and she had a little girl or two with her, and shaked a buckwheat I think was her husband there. She was gathering up clothes around there, and I got some of the Council's clothes for her; and I have been hearing of her about some 15 or 17 years over here about Timbered Hills, over here about Bluejacket, I have'n been to her house though.
Q Bluejacket, Indian Territory? A Yes sir.

BY COM'R MEEKLES:

Q This Mt. Gibson you speak about in the Cherokee Nation? A Yes sir.

BY MR. DAVENPORT:

Q You know who she belonged to at the breaking out of the war?
A Bill Grimmett.
Q In A the one that had been hung in '67? A I think that's the same gentleman.
Q He had been hung a out three years before the war broke out?
A Yes sir.
Q She still belonged to him? A Well, she belonged to some of the family I guess.
Q I asked you if you knew who she belonged to? A Well of course not he was dead long.

EASTER WILLIAMS, being sworn by Com'r Meekles, testified as follows:

BY MR. SMITH:

Q State your name? A Easter Williams.
Q How old are you? A I am somewhere along in 50. I was a slave born, and was nursing before the war.
Q Where do you live? A I live up here on Big Creek.

Emily Walker et al 5

Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days, only when I was out working.
Q Do you know this applicant, Emily Walker, or Grimmett? A Yes sir, she is my sister.
Q Do you know whether she was a slave before the war or not? A Yes sir, she belonged to the same man I did.
Q [illegible] A [illegible] District.
Q [illegible] Grimmett [illegible] A He had his wife was named [illegible]
Q [illegible] A Yes sir.
Q What children did he have? A Rachel, Betsy, John and Bill.
Q Did Grimmett own her [illegible] before the war, which one of them? A Young Bill. [illegible]
Q Is the old man Bill dead? A Yes sir, he died before the war, while he was all to home.
Q Where was the Grimmett family, how much of them thought to die before the war commenced? A They were in Flint, up to the old place; they had two places.
Q Did you live with some of them? A No. They divided me out to one of the daughters, the one that married Houston Ross.
Q [illegible] did Emily belong to? A She belonged to Rachel Grimmett, she was Rachel Fields, when her name was changed.
Q Where was your sister Emily living when the war commenced? A We was all at home in Flint District.
Q In the Cherokee Nation? A Yes sir.
Q Was this Rachel the one who married Fields, was she daughter of Bill Grimmett? A Yes sir, old man Grimmett.
Q [illegible] was a citizen of the Cherokee Nation? A Yes sir.
Q Where did you go during the war? A They took me to Kansas, I was working for anything, I went to my sister.
Q You know whatever you were taken out? A It was while they was fighting.
Q When did you get back? A I was here in '66, I was here long before the Treaty to tell the truth, at Ft. Gibson.
Q Are you on the 1880 roll? A I don't know, sir.
Q When did you first see your sister Emily Grimmett or Emily Walker after the war? A We was all together at Ft. Gibson, and they carried us to Neosho and brought us back to Ft. Gibson.
Q Who did that? A The Government, they had us at refugees or whatever you call it, we was drawing rations.
Q They carried what? A My sister and everybody else, I couldn't tell you who all.
Q Carried this sister Emily? A Yes sir, and another sister that's dead.
Q What do you mean by carried you to Neosho? A They carried us from Ft. Gibson to Neosho, I don't know that district it's in, but it was Neosho.
Q Whether it a river or town? A Yes, that was it, on that Big river there, but it was called Neosho.
Q Neosho Station or town, do you know whether or not you were taken to a place used to sell Neutral Land? A No sir, they called it Neosho, that was the name they called it when we were there. When the soldiers were there.
Q Was it in the Cherokee Nation or did they take out outside of the Cherokee Nation? A I don't know whether it is outside or not, they called it Neosho, they carried us all there and had soldiers there to guard us.
Q You don't know what it was? A I knew it was Neosho; they took us from Gibson to Neosho.
Q Do remember anybody else, colored people, that was taken there? A Lord, there was two or three hundred negroes carried there, and brought back to Gibson.
Q When did they bring you back? A Just about I reckon along when

peace was going to be declared; there wasn't so much bushwhacking up there, there was a guard with us when we come to Gibson.
Q Did your sister Emily come back with you? A Yes sir, she was working for an Adjutant.
Q How long did you state Emily stayed there about Ft. Gibson? A I was there working for the officers, and I went to Ft. Smith with Lieutenant Ayers and Colonel Waters; I lived here at Gibson, I dont. knew exactly where she went.
Q How long did you stay at Gibson after you got back? A I stayed three years, my mother was there.
Q And whenyou went away you left her there? A Yes sir, and I left my mother there at the time.
BY MR. DAVENPORT:
Q I want your sister and them were taken to Neosho? A Yes sir, not me and her specially, but the whole lot of negroes.
Q That was a town there? A No sir, there had beenpeople lived there, it was a slave state.
Q It was Neosho, Missouri, wasn't it? A I suppose so, they didn't put the Missouri to it, they told meNeosho.
Q Wasn't there a kind of town there? A Few houses, one or two houses. Big white house set in the north-east corner and some other little houses.
Q It was in a valley between two hills? A Yes sir, Neosho was, about three springs.
Q There was no railroad there at that time? A No sir, there wasn't no talk of a railroad, because the bushwhackers had everybody a going.
Q You know where your sister Emily lives now? A She lives at Timbered Hills.
Q How long has she beenliving there? A I couldn't tell you that, she has beenliving there long enough to have a fine place.
Q Howlong since she left Chetopa, Kansas? A I couldn't tell you that; we all was in Chetopa; she worked in Chetopa to educate her children.
Q Well did she live in Chetopa Kansas quite a while? A I don't know how long she lived there.
Q You know she had a home there? A I couldn't swear that.
Q You don't know whether shecowns property there yet ornow? A No sir, I couldn't tell you that.
Q Youdon't know thether you are on the roll of 1880 or not?
A I suppose I am, if I aint scratched off.
Q You know of anyone being scratched off after it has been recognized and that was put on the 1880 roll and it had been authenticated? A I don't know sir, I am just talking, because talking is kinder cheap and sometimes somebody hits the nail on the head.
Q How often since youhave been talking in the interestof the claimants have you hit the nail on the head? A I don'tknow as I have done anybody wrong in this court or told any lies.
MR. SMITH: I object to that.
Q You come back to the Nation at what time? A I was here in '66 off and on.
Q How long did you stay here? A Why up to here- I wasn't married.
Q You was in Ft. Smith several years? A No sir, I wasn't; I was here mostly at Tahlequah I used to work for Mrs. Alberty, and after the war I was here with Mrs. Brown. That's my history.
Q Where was your sister during that time? A She will have to give an account of that herself; I left herin Gibson.
Q You don'tknow where she has beenliving since the war? A She has been here at timbered Hill.
Q Howlong? A I dont know.
Q You know she was living there part of the time? A I know she is living there.
Q She is living there now? A Yes sir, and got a good home.

Q You know whether she ever lived in Parsons? A No sir, she never lived in Parsons a while.
Q How long? A Not very long.
Q Did you hear she was there as much as a year? A I don't know as I lived there that long.
Q You don't know how long you lived there? A No sir, I raised my children here.
Q But you did live in Parsons? A Yes sir, I lived in Parsons a while; it was the only place I could get work; I am a cook by trade.
BY THE COURT:
Q What children have your A I have only got Sylvia, I had one or two dead.
Q What other children did you have besides Sylvia? A Nathan and Alice, them is the two that's dead.
WOOD MARTIN, being sworn by Com'r Keadle, testified as follows
BY MR. SMITH:
Q State your name? A Fred Martin.
Q How old are you? A 63.
Q Do you know Emily Grimmett? A I do.
Q How long have you known her? A I have known pretty near as long as I have known anyone. I can't tell you how many years I did know her; I have known her ever since I was a child.
Q Where were you when the Civil War closed? A Mt. Gibson.
Q When did you first see Emily Grimmett after the war? A I got her while we were at Mt. Gibson, just after the war had closed.
Q You know what year it was in? A It was in '66; she stayed a good while with my mother and father; she was staying with us just before we moved from Mt. Gibson up on Grand River.
Q When did you move from Mt. Gibson up on Grand River? A In the winter of '66.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
BY MR. DAVENPORT:
Q You are about how old now? A 63 years old.
Q And this woman stayed at your father's house and you saw her around there in 1866? A Yes sir, I saw her there before we moved away from Mt. Gibson.
Q That was about 55 years ago? A Yes sir.
Q And you remember her now as being the woman you saw there then you were about seven or eight years old? A I do.
BY COM'R KEEDLE:
Q You have known her ever since? A Off and on, ever since.
Q You know whether she has ever lived since that outside of the Cherokee Nation? A No sir.
BY MR. DAVENPORT:
Q Don't you know she has lived outside of the Cherokee Nation? A No sir, I do not.
POLLY KIVENS, being sworn by Com'r Keadle, testified as follows
BY MR. SMITH:
Q State your name? A Polly Kivens.
Q How old are you? A 68.
Q Where do reside? A Mt. Gibson.
Q How long have resided at Mt. Gibson? A All my life.
Q Mt. Gibson, Cherokee Nation? A Yes sir.
Q Do you know this applicant, Emily Grimmett? A Yes sir.
A How long have you known her? A I have known her all my life.
Q Do you know where she was in 1866? A Yes sir.
Q When did you first see her after the close of the war? A I saw her when I was at Mt. Gibson, I think for the generals leaving release to the refugees just at the close of the war.
Q Do you know the date it was? A No sir.
Q Did she testify to any date? A No sir.
Q Do you know any date? A No sir, I don't know nothing about the

dates.
Q You just know you cooked for the refugees? A Yes sir.
Q What refugees? A Cherokees, that was issuing rations to the Cherokees.
Q There at? A At Ft. Gibson.
Q When was it that you saw Emily G'rammett? A Long when I was cooking for the agent that was issuing rations to the refugees.
Q You know what children she had? A She had them with her, but I don't remember which ones it was.
Q You don't remember their names? A No sir, I forget their names, I knowed their names too at that time, but I have forgot them now.
BY MR. DAVENPORT:
Q You know every one of the negroes that was down there at Ft. Gibson at the close of the war? A Pretty near all of them.
Q Can remember all of them distinctly now? A No sir. Not all of them.
Q You know this woman before the war broke out? A Yes sir.
Q Where was she living when the war broke out? A She said she was living at Tahlequah.
Q You don't know who she belongs to? A The Garmetts.
Q How do you know? A She said so.
Q Asked you if you knew it? A I didn't know it for certain, I just knowed her and Mr. Garmett her master.
APPLICANT, EMILY WALKER, re-called, and further examined;
BY COM'R NEEDLES:
Q Emily, where were those children that you apply for, Fred and Floyd and Bertha, where were they born? A On Timbered Hill.
Q In the Cherokee Nation? A Yes sir.
Q You never lived in Kansas? A No sir.
Q Never lived in Parsons? A No sir.
Q Never been there? A I have been up there, but not to live.
Q Where were you married to Walker? A Married by a preacher.
Q I say when and where? A He was a soldier.
Q Were you married to him in the Cherokee Nation or in Kansas?
Q Married in the Cherokee Nation.
Q He was a soldier? A Yes sir.
Q White man? A Yes sir.
Q What was his name? A Fred Walker.
Q Is he dead? A He is dead.
COM'R: Well he ought to be.
Q You were married at Gibson? A Yes sir.
Q Did you and Fred ever keep house outside of the Cherokee Nation anywhere? A No sir, kept house when I come to keep house we kept house until he died, and I buried him.
Q Where? A Out here on Timbered Hill, where I am living, at Engrave-yard.
Q Your eldest child Fred was born at Timbered Hill? A No sir.
Q Where was he born? A Charley is the eldest child, he was born in Gibson.
Q Your eldest child of the minors, Fred, where was he born? A On Timbered Hill.
Q You have been living there ever since he was born? A Yes sir.
BY MR. DAVENPORT:
Q Didn't you live in Chetopa and haven't you got property up there now? A No sir, I haven't.
Q When did you dispose of it? A I never had any.
Q Didn't you live-keep house and live in Chetopa? A No, I never, I kept around factoring when they would come after me.
BY COM'R NEEDLES:
Q You was a doctor was you? A Well those women you know.
Q Yes, women business? A Yes, women business.
Q You went as far as Chetopa when they sent for you? A Yes sir, went as far as Ft. Scott for that matter.
Q But never moved up there? A Never moved up there.

[illegible] Court [illegible] applying for the enrollment of herself and children, Fred, Flora and Bertha; she claims that she was a member of the Ortmont family, and that she was married to one Fred Walker, a white man, now deceased. [illegible] be found in the Cherokee roll of 1880 [illegible] of 1890 [illegible] duly identified upon the [illegible] roll; she swore that and the testimony [illegible] a slave, and that she never moved outside [illegible] during the war, and never held a resi[illegible] [illegible] The evidence produced clearly [illegible] that she is entitled to be listed for enrollment as a Cherokee Freedwoman; as well as her children, but by reason of [illegible] that the Cherokee Nation, by its representative, protests against the enrollment of said Emily Walker, the will, very reluctantly, be listed for enrollment as a Cherokee Freedman upon a denial card, as well as her children, Fred, Flora and Bertha; she will be notified by mail of the decision of the Commission when arrived at, in her case. She is now going by the name of Emily Primmert, that having been her maiden name, or the name of her master, but her only marriage, according to the testimony, was to one Fred Walker.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this June 21,1901.

(signed) T.B.Needles
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D.Green

Subscribed and sworn to before me this September 10th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12,1901.

In the matter of the application of Hannah Briggins for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

Appearances:
Messrs. Mellette & Smith, for applicant
Mr. Jas. Davenport, for the Cherokee Nation.

Q What is your name? A Hannah Briggins.
Q How old are you? A About 21.
Q Whatis your post-office? A Welch.
Q What district do you live in? A Delaware I guess.
Q Do you want to be enrolled as aCherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A One child.
Q What is the name of your child? A Lottie Briggins.
Q How old is it?A Eight years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Oscar Briggins.
Q Is he a citizen? A No sir.
Q Your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir, Wallace and Clifton.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nationexamined and applicant not identified thereon;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 157 #3888 Hannah Grimmett, Cooweescoowee District,
page 157 #3892 Lottie Grimmett, Cooweescoowee.
Wallace roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Were you 13 years old when this child was born? A Yes sir.
Q What is your mother's name? A Emily Grimmett.
Q Is she the Emily Grimmett that has been enrolled just now?
A Yes sir.
Q Whatis your father's name? A Fred Walker.
BY MR. DAVENPORT:
Q Where are you living at present? A I live with my mother.
Q Where is your husband? A He is working in Vinita, Indian Territory.
Q At what place is he working there? A Last time I heard of him he was working at the Cobb Hotel.
Q That's Charlie Briggins? A Oscar.
Q He doesn't live with you any more? A No sir.
Q You know where you were born? A On Timbered Hill.
Q Near whose place? A I don't know who were there when I was born.
Q Well you can remember who lived near you? A There are a number of colored people, but not any Indians close to us.
Q Who is the nearest Indian to you there at Timbered Hill? A Mrs. Campbell.
Q You live on the east side or the west side of the M. K. & T. road? A Live on the east side.
Q. Which one of the timbered hills? A It is the little timbered hill.
Q Have you ever lived in any other place than the Cherokee Nation there at Timbered Hill? A I have lived in Vinita.
Q Have you ever lived in Kansas? A No sir.

Hannah Briggins et al 2

Q Any other state or territory than the Cherokee Nation? A No sir, not only when I was off with my husband.
Q How long did you go with your husband? A We was off two months ago at Hot Springs; other than that I have been in the Cherokee Nationall the time.
Q And you live up near Mrs. Campbell? A Yes sir.
Q How far do you live from Welch? A Five miles.
Q How long have you been living there? A Ever since I can remember.
Q You know George Dixon? A No sir.
Q You know Cal Williams? A No sir, I have heardof him, I never went anywhere.
Q You don't know Graville Craig? A I have heard of him.
Q You know Mr. Wasson? A I have heard of him.
Q You don't know how far he lives from you? A No sir.
Q Where were you living when you were married? A Living with mamma.
Q Where were you married? A Oswego, Kansas.
Q How did you come to go there to get married? A My husband lived in Chetopa and it was the nearest point to drive, and he drove over.
Q Your mother lived at Chetopa at one time? A No sir, not as I know of.
Q Where were you living when your child was born? A With my mamma.
Q At what place? A Timbered Hill.
Q Is this child living now? A Yes sir.
Q Living with you? A With my mother.
Q But you are living at Vinita? A I make my home with my mother.

Com'r Needles: Hannah Briggins applies for the enrollment of herself and one child, Lottie, she cannot be identified upon the authenticated roll of 1880 but is duly identified upon the Vern-Clifton roll as well as her child, Lottie, as Hannah and Lottie Grimmett; her mother having gone by the name of Grimmett, she being enrolled by the name of her mother; she avers that she is married to one Oscar Briggins, a non-citizen, and that she is a child of Emily Grimmett or Walker, and Fred Walker; said Emily Walker or Grimmett has this day been listed for enrollment on D card 710, and the testimony taken in said case will be made a part of the record in the case now under consideration, and a copy thereof will be filed herewith; they are duly identified and make satisfactory proof as to residence, consequently, Hannah Briggins and her child, Lottie will be listed for enrollment as Cherokee Freedmen on a doubtful card.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in thiscase and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 21,1901.

Commissioner.

[illegible] as well as I know the name of anybody.

Q. There was quite a large colored population in the town at that time? A. Well I don't know how many; there was quite a number of them, I suppose; the town wasn't so very big then as it is now. I don't believe that the town had more than three thousand inhabitants [illegible] in '96.

Q. You simply knew her by seeing her pass on the [illegible] occasionally? A. Yes, sir; I have spoken to her.

Q. You never had any business transactions with [illegible]

A. [illegible]

Q. [illegible] you ever? A. No, sir, no. I [illegible] that time, wasn't keeping hotel.

Q. How do you know that that was her name? A. [illegible] I know just the same as I know anybody else's name; I know the woman and know that was her name; but I know it I couldn't tell you all the people. I know their names just by knowing the people.

Q. You say you know when she left there? A. I don't know when she left. So, I know her to be there for two years or more from the time I first knew her.

Q. How often did you see her? A. Oh I saw her quite frequently, quite [illegible] day.

Q. [illegible] on the street? A. Yes, sir, you see these days [illegible] was a small town, and you know pretty much everybody in town, as they generally do in a small place.

Q. You were in the clothing business there, were you? A. Yes, sir.

Q. And you are yet? A. Yes, sir, been in that business since [illegible]

[illegible] This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-711, D-712, D-713 and D-[illegible], the same being the case at bar.

[illegible] Arthur G. Channinger, being first duly sworn, states that he was stenographer to the Commission to the Five Civilized Tribes and reported in full the testimony and proceedings in the above cases and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Channinger.

Subscribed and sworn to before me this 26th day of May, 1902.

F. G. Hunter, Notary Public.

Hetta [illegible] being first duly sworn, states that she was stenographer to the [illegible] the Five Civilized Tribes and made the above copy, and that the same is a true and complete copy of the original.

Hetta [illegible]

Subscribed and sworn to before me this 2nd day of July, 1902.

[illegible]

To be filed in D 710.

[illegible]

[illegible] Tribes,
[illegible], I. T., May 14, 1902.

In the [illegible] the application of Emily Walker et al for enrollment as [illegible]

Applicants [illegible] C. Jackson, representing Melissa [illegible] Indian Territory.
Cherokee Nation [illegible] by W. W. Hastings.

SUPPLEMENTAL TO D-710

JACOB BAMBERGER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A My name is Jacob Bamberger.
Q What is your postoffice? A Fort Scott, Kansas.
Q What is your age? A My age is 68.
Q How long have you been a resident of Fort Scott? A Well I have been a resident, lived there continuously since '66.
Q What time in '66? A In July.
Q In July? A But I have lived there - I come there first in '64.
Q You went away and came back in '66? A Came back, gone about less than a year, and came back in '66.
Q Did you know a colored woman there by the name of Easter Grimmett? A Yes, sir.
Q When did you know her? A Well I knew her in '66, I couldn't say as I knew her in '64 or not, I knew her in '66.
Q How long did you continue to know her? A I continued to know her two years or more after I first saw her.
Q Did she have a sister there? A She did.
Q Was she older or younger than she? A She was older.
Q Do you remember her name? A I do not.
Q Do you remember their mother Sylvia? A I do not know her mother's name.
Q You don't remember the name of her oldest sister? A No, I don't.
Q But you know that she had one? A I know she had one.
Q And she lived with her when she lived there? A Yes, sir.
Q You know that they lived there for two years or more after July of '66? A Yes, sir, I do.
Q In Fort Scott, Kansas? A Yes, sir.
Q Do you know whether they claimed to be territory darkies?
A Well they had the reputation, supposed to be Indian negroes, what we used to call Indian negroes.
Q Do you know where they went to when they left there? A I do not.

MR. JACKSON: How far did these people live from you?
A How far from my their residence was?
Q Yes, sir. A Oh I don't think it would have been exceeding four or five blocks, maybe nothing more than three or four.
Q They lived in the negro quarters, negro part of the town?
A Yes, sir.
Q Did they work for you? A No, I was a single man then.
Q How often was you in the negro quarters? A Well I don't know as I was very seldom, but I saw them in town.
Q What business was you in? A I am selling clothing, have been ever since '66.
Q And there wasn't much in there to buy clothing? A Oh no, I

saw them on the streets.
Q How many negroes are there in that town? A Well I couldn't say how many.
Q Well how did you know that this was Easter Grimmett especially? A I knew that Easter Grimmett at that time, and I don't know how I knew it was her; I knew it was her.
Q You don't know how you knew it was her? A Well I knew it was her as well as I knew the name of anybody.
Q There was quite a large colored population in the town at that time? A Well I don't know how many; there was quite a number of them I suppose; the town wasn't so very big then as it is now. O don't believe that the town had more than three thousand inhabitants about that time, in '66.
Q You simply knew her by seeing her pass on the street occasionally? A Yes, sir; I have spoken to her.
Q You never had any business transactions with her, you say you was a single man? A Yes, sir.
Q Never worked for you? A No, sir, no, I hadn't anybody working; I boarded at that time, wasn't keeping house.
Q How do you know that that was her name? A Well I know - I knew just the same as I know anybody else's name; I knew the woman, and knew that was her name; how I knew it I couldn't tell you all the people; I knew their names just by knowing the people.
Q You say you knew when she left there? A I don't know when she left, no. I knew her to be there for two years or more from the time I first knew her.
Q How often did you see her? A Oh I saw her quite frequently, quite frequently.
Q Just passing on the street? A Yes, sir, you see those days Fort Scott was a small town, and we knew pretty much everybody in town, as they generally do in a small place.
MR. HASTINGS: You were in the clothing business there, were you? A Yes, sir.
Q And you are yet? A Yes, sir, been in that business since '66.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-711, D-712, D-713 and D-710, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 16th day of May, 1902.

P. G. Reuter, Notary Public.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy, and that the same is a true and complete copy of the original.

Retta Chick

Subscribed and sworn to before me this 2nd day of July, 1902.

(Seal)

P. G. Reuter

Commissioner.

Jesse . Carr, stenographer to the Commission to the Five Civilized Tribes, states on oath that the foregoing is a true and correct copy of the original transcript of said testimony.

Subscribed and sworn to before me this [illegible] day of August, 1902.

[illegible]
Notary Public.

FILED
SEP 5 1902
CHIEF CLERK
COMMISSION TO THE FIVE CIVILIZED TRIBES

File with T. D. 715.

T. D. 710.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Emily Walker for the enrollment of herself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D. 710.

APPEARANCES:
Lewis T. Brown, representing Mellette & Smith, for applicants.
W. W. Hastings, for Cherokee Nation.

DAVID LOGAN, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A David Logan.
Q What is your postoffice, Mr. Logan? A Lawrence, Kansas.
Q What is your age? A I will be 69 years old my next birthday, I was born January, 1833.
Q Did you ever know a colored woman by the name of Emily Grimmett?
A Well I knowed of her, I don't know as I would know her now if I would see her, but then I did know her at one time.
Q Well when did you know her? A Well the best of my knowledge the time when I came back to Kansas, it was in the fall of '65, I came back to Kansas.
Q Well where was Emily Grimmett living at that time? A Wht she lived out north of the bridge in North Lawrence, it was called Bridge Street.
Q Bridge Street? A Yes, sir, on the south of the river was called South Lawrence, but on the north side, there was a town on the north side, and that's called Bridge Street.
Q How lo ng did you continue to live in Lawrence? A Well backwards and forwards to Lawrence for a year and a half or two years.
Q How long did you continue to know this woman? A Oh, I think that it must have been a year and a half, maybe two years.
Q And you knew her first in the fall of '65? A The fall of '65.
Q Well then when did you move out of the town? A In the spring of '67 I left town, went to work for a man by the name of Robinson.
Q Well did you know her up to that time? A Well I knowed of her being there, I can't say that she was there all the time at that place, but then there was a man there that brought my attention on Bridge Street, some white man; they said she had married, and that he was her husband.
Q Well what was his name? A Well I think they called him Grimmett, won't be sure.
Q Called him Grimmett? A I think so, won't be sure now, I never bothered much around there after they had, that is after I went to the country because they didn't come that road.
Q Well you think this man's name was Grimmett? A I won't be sure, but I say it seems to me like that they called him Grimmett, they used to, I am satisfied they called her Walker at one time.
Q Called her Walker at one time? A Yes, sir.
Q Well do you know whether that was her maiden name or whether that was her husband's name or what? A I couldn't tell you that.
Q But she went by both names? A Yes, sir, that is what people said, I don't think that ever I said a word to her in my life, not to her individually.

MR. BROWN: So she gets her name Grimmett by reason of the fact that she married a white man up there by the name of Grimmett, is that it? A I don't know that she married this man, I know that he was her man.

Q Well now was she married when you first became acquainted with her? A I couldn't tell you that either.
Q Where was she living when you first become acquainted with her? A On Bridge Street where she was living last I know of her, out north of the bridge.
Q When did you move to that vicinity yourself? A Moved from it?
Q To it? A Well I moved, I didn't move there--I come in on travel from Colorado in the fall of '66, September.
Q Well now that's been a long time ago, hasn't it, about 37 years ago? A Yes, sir, that's been a good while.
Q How you don't remember exactly when it was that you got acquainted with th at woman, do you? A Well I remember this much about it; I can't say that I know the dates when I got acquainted with her, but it was after I came there.
Q Sometime after you came back? A Yes, sir.
Q Nor can you swear positively how long that she stayed in that vicinity after you come there, can you? A Well, the house and the goods there where she was at was there when I went onto the other farm to work.
Q Well we are talking about the woman now. A Well she much have been, the man was there, man they said was her husband after I went out there to work, and whether he was her husband or not I can't tell you.
Q Well now you say you ever spoke to this woman in your life? A Not as I know of in my life, but other folks told me who she was, and I asked lots of people whi it was living there; at some times I could see them there and other times I couldn't see them there I suppose; sometimes when she would go; she had to work out.
Q She was gone sometimes wasn't she before she left there after her goods? A Well I know I missed her at times because I wasn't always on the road.
Q Well now, Mr. Logan, if this woman herself and L. D. Daniels and Wester Williams and Fred Martin and Pollie Nivens have testified that in the fall of '66 this woman was in Fort Gibson, are you going to say that's not true? A I can say that Fred Martin might have been, if there's a Fred Martin with one hand; wasn't there himself.
Q Fred Martin with one hand? A Only just one hand.
Q Suppose that Fred Martin had two hands, will you swear to that? A I don't know, they said he was a Cherokee Freedman, but he had one hand, he could do as much work as anybody, worked on the railroad with him myself.
Q His name was Fred Martin? A And some folks said that he was born that way.
Q Well his name was Fred Martin, wasn't it? A Yes, sir, I think it's Fred Martin.
Q Well you are positive of it? A Yes, sir, I am positive of it.
Q Now if these persons whose names I have mentioned have already testified that this Emily Walker, who has applied here for citizenship, was in the Cherokee Nation in the fall of '66 are you going to say that's not true? A I don't say that it wasn't true; but I am going to say that she was backwards and forwards here or else mighty often at home.
Q How you claim to have known her for a year and a half or such a matter up there? A Well from eighteen months up to two years.
Q Well now are you going to swear that this woman wasn't in the Cherokee Nation in the fall of '66? A How could I swear that when I didn't keep track of it.
Q You don't know where she was then do you? A I don't know where she was when I didn't see her.
Q There was many times that you didn't see her? A There was times I didn't see her.
MR. HASTINGS: You had no occasion to go to her home every day? A Oh Gird no.
Q You don't know that she was ever away from there do you? A No, I don't know, if she was away from there; I said just now that times sometimes was nobody there and then again they was there.

MR. BROWN: You had no occasion to remember when it was that you first met her did you till the other day, thirty-seven years ago? A Well the reason why that I remember, if you want it, that little circumstance, I can tell the reason why I remember that.
Q Well tell it? A Nels Riley had a wife in the same roof; he was said to be Aunt Mariah Buffington's son-in-law, and I was well-acquainted with Aunt Mariah and Uncle Rock, and they lived along the road there and I used to holler at them very oftan.
MR. HASTINGS: Uncle Rock Buffington? A Yes, sir.
Q I expect we had better keep you till tomorrow. A No, sir, I couldn't stay.
Q What is your business? A Well I am hauling sand for a living and have been for nine years right there, team standing in the barn doing nothing while I am here, and another one hired for another---
MR. BROWN: How many times have you been arrested? A I haven't been arrested yet at all.
MR. HASTINGS: Did you know any other colored men up there?
MR. BROWN: objected to for the reason that it has nothing to do with this case.
MR. HASTINGS: Let him go ahead and get it in the record.
COMMISSION: The objection will be noted; answer the question.
MR. HASTINGS: Did you know any other colored men up there? A Yes, sir I know others.
Q Name some of them? A Oh, some of them that I did know at one time.
Q Yes. A That was said to be Cherokee freedmen; I know lots of folks that's there now.
Q Well that was said to be Cherokee freedmen? A Old Uncle Rock Buffington was one; Spencer Bell was one, I think Spencer Bell died in Ottawa, I won't be sure, he was buried in Lawrence so I'm told, I wasn't there to the funeral, but they told me he was buried in Lawrence.
Q Did you know Ben Bean? A I did and Bill Bean.
Q Know Rachel Bean? A Yes, sir, I knowed of her and knowed her and was acquainted with her.
Q How long did you know her there after the war? A Oh, I can't say after the war, I went there, I was in Colorado the fall of '65 and I come back to Lawrence, and I got acquainted with them there, because at that date I was gone a while and so was Ben. Bill Bean has a son in North Lawrence, named him Bill after him, and goes by the name of Bill Bean.

MRS. JAMES SMITH, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Mrs. James Smith.
Q What is your post office? A Why I live on 231 Lincoln Street, Lawrence.
Q Kansas? A Yes, sir.
Q How long have you been living there? A Oh, I have been living in Lawrence about twenty-five years.
Q You have been living there longer than that, haven't you; what year did you come there in?
MR. BROWN: Question objected to as leading, as she has already stated that she has been there twenty-five years.
Witness: I come in '67; I went back west you know after I came to Lawrence the second time. Then I got married and settled down.
MR. HASTINGS: How long did you live there when you came there in '67? A Stayed there till the latter part of '68, and then I went out west to Junction City.
Q Did you know a colored woman up there by the name of Emily Grimmett or Emily Walker? A I knew we always called her Mrs. Grimmett, I never knew of Walker; I heard though something about Walker, I always called her Emily Grimmett; that's what we called her, and Mrs. Buffington told me that was her name when I got acquainted with her.

Q When did you get acquainted with her? A I guess it was in '67.
Q How long did you continue to know her? A Oh, when I come to town why I would see her off and on of course, I seen her, and well I went west, off and on until I went out west.
Q Well when did you go west? A The latter part of the year; I couldn't tell you exactly what time.
Q Well the latter part of what year? A '68.
Q Where was this woman living when you knew her, on what street I mean? A Oh, she lived upon Bridge Street, where Mrs. Buffington lived when I first for acquainted with her.
Q Did she have any man living with her as her husband? A She didn't have she said; they said she was a marriedwoman, I didn't know of course; she was a stranger to me and she had two little children I know, and Mrs. Buffington said she was a married woman and that she had married a German, that's what she said, she had married.

MR. BROWN: What was the German's name? A I don't know his name.
Q What did you call him? A I couldn't tell you what his name was; they called him a Dutchman was all I know, I never seen the man, and wouldn't know him if I was to see him.
Q Would you know the woman if you was to see her? A Hardly I guess, been a long time since I seen her.
Q What year did you go to Lawrence in? A 1867.
Q What time of the year? A Fall.
Q How long did you stay there? A How long did who stay?
Q You? A Istayed till 1868a.
Q Where did you go to from there? A Junction City.
Q How long did you stay there? A Four or five days, more than that I guess.
Q Which was it? A I don't know that it was; I didn't keep track of it because I didn't have any need to.
Q Did you have need to keep track of the time you got acquainted with this woman? A No.
Q How do you fix the date? A I fix it because I knew when I come down here in the winter, well I got back in the winter.
Q You mean here to this country? A Down to Lawrence from Junction City, and stayed till winter.
Q That's how you fix the date, because you come down in the winter? A Along in the winter of '67, and went back.
Q How do you know it was '67? A How do I know it was '67? Because it was '67.
Q What year were you born? A What year were I born? Well I know it was in '67, I know that my child was born in '68, and that's the reason I know it was '67 when I came here.
Q What year were you born? A I was born in '46.
Q How old are you? A I don't know, sir.
Q And where did you go when you left Junction City? A I come down here to Lawrence.
Q Been living there ever since? A Living there ever since.
Q What did you do for a living along in '67 and '8? A I worked.
Q What kind of work? A House work.
Q What year were you married? A I don't know what year.
Q How long had you been to Lawrence when you got married? A I don't know how long.
Q About how long; ten years? A No, sir.
Q Five? A. I don'tknow whether fige or six; I know it ain't ten.
Q How many children did you have before you were married? A I don't know as I had any before I m arried/
Q Didn't you have some before you married? A Don't know as it's any of your business if I did. I had children before I was married? No.
Q You swear you didn't? A Yes, sir, I said when I came down to Lawrence, I got married in '68.
Q And you were living, as you state, in Lawrence fire or six yeaare? A Came down in '67 and my little girl as I stated was born in '68, May, 29th day of May.

Q And you have already stated that you was living in Lawrence five or six years before you married? A Well I knew I was.
Q Then you child was born the next year after you came there? A Yes, sir.
Q Then you had a child five or four years old before you married? A Yes, sir.
Q You had a child four or five years old before you married? A Yes, sir.
Q Why did you tell me a while ago that you didn't have? A I didn't say I didn't have; I didn't know as it was any of your business if I did have one.
Q Didn't you say a while ago that you never had a child until after your marriage? A I said I didn't know as it was any of your business; I said that.
Q And if you told me a while ago that you didn't have a child before you were married you testified to that which wasn't true? A Yes, sir, I said that I had a child.
Q Well now what you told me a while ago that you didn't have a child before you married you were testifying to that which was not true? A Yes, sir, I testified to that, I told you I had a child before; I said that; and then you kept asking me if--
Q What was your name before you were married, Mrs. Smith.
A My name was Parthenia.
Q Parthenia what? A Williams.
Q Where did you live from '67 until the latter part of '68? A I lived in Lawrence.
Q What kind of a house did you run? A I ran a white folks' cook mitchen; that's what kind of a house I run; for General Babcock, worked for him, and you can get my recommendation in Lawrence if you want it.
Q Well were you personally acquainted with this woman about whom you have been testifying? A I said that I seen the woman, was acquainted with her by going to Mrs. Buffington's
Q Were you personally acquainted with the woman about whom you are testifying? A Why I seen her.
Q Were you personally acquainted with her? A I knew her, see her/
Q Did you visit her? A Why no, she was living next door to Mrs. Buffington, she and the children.
Q What was the children named? A I don't know.
Q Do you remember whether the woman you are testifying about is the same woman that's applying here or not? A It's the same name.
Q I am talking about the woman; do you know whether it's the same woman or not? A I knew Emily Grimmett down there.
Q Do you know whether it's the same woman or not.
COMMISSION: Answer the question if you can, Mrs. Smith. We are loosing a whole lot of time here.
Witness: I mightN8t know her because it's been so long since I knew her.
MR. BROWN: Where was this woman in the fall of '66? A '66, I don't know.
MR. HASTINGS: Do you know whether or not she was known as a Cherokee slave or a Cherokee darkey or not? A I never ~~knew~~ asked her anything about that; I heard she was going down to the Nation, Mrs. Buffington said; I don't know anything about it because I was working, and don't know anything about that.

CHARLES SNOW, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A My name is Charles Snow.
Q What's your age? A 40.
Q What's your postoffice? A Lawrence.
Q Where did you live in '65? A In Lawrence.
Q Have you lived there since that time? A Yes, sir.
Q What was your business in '66, '6, and '7? A Baker there.

Q Baker? A Yes, sir.
Q Did you ever know a colored woman by the name of Emily Grimmett?
A Yes, sir.
Q Where did she live? A She lived there on Bridge Street.
Q How far did she live from your piece of business? A Well it was but a short distance away, two or three hundred yards.
Q Do you know whether she was married or whether she lived with anybody as her husband? A Yes, sir.
Q Do you know what his name was? A No, I don't know who.
Q Did you ever hear his surname called? A No, I don't know as I did.
Q Don't know as you did? A No.
Q How long did you continue to know this woman? A Well I knowed her personally in '66.
Q Well how long did you continue to know her; how long did she live there? A Up to the year '70.
Q Did she live at this same place? A Yes, sir, as far as I know she did.
Q Did you see her frequently? A Yes, sir.
Q Where did you see her? A On the street about town.
Q Did you know whether she was known as a Cherokee darkey or not?
A I don't.
Q You don't know about that? A No, sir.
Q You know that she was living with some man up there? A Yes, sir a white man.
Q White man? A Yes, sir.
Q Would you know his name if you would hear it? A I don't know whether I would nor not.
Q Was his name Jones, or Smith, or Walker? A Something like Walker more than anything else, still I don't know.
Q You would be certain? A No, sir.
MR. BROWN: Wasn't his name Grimmett now? A Sir?
Q Wasn't this man that she lived with name's Grimmett? A Not that I know of.
Q You don't know what his name was, do you? A No, I don't know.
Q This fellow Dave Logan he would know what his name was wouldn't he?
A Probably he would.
Q Well now what year did you say that she left there in? A Well I don't know what time she left. I know the time I left there myself, and she was there in '70.
Q When did you leave there; in '70? A '71. Bought a piece of land there.
Q She left in '70 and you left in '71? A That's the last time I saw her.
Q In '70? A Yes, sir.
Q When did you leave Lawrence? A Left in '71.
Q Well now who left first, you or her? A I couldn't tell you.
Q Then you didn't see her from '70 to '71? A No, sir.
Q Although she lived in two or three hundred yards of your house?
A Yes, sir. I moved out of town in '71.
Q Well now where were you from '70 till '71? A I still lived in town.
Q Where was she? A I suppose she was there yet so far as I know.
Q Well was she there? A I think she was.
Q Then you were mistaken when you said she left there in '70? A I didn't say she left there in '70.
Q Well you say you knew her there until '70? A I left there in '71 myself, and '70 was the last time I saw her.
Q What month? A It was along in the fall sometime.
Q Well, about October? A Well it was something near October or November, latter part of the year.
Q Well, now, Mr. Snow, there were a great many people living around there during that time wasn't there? A Yes, sir, there was sure.
Q Great many colored people? A Yes, sir.
Q How is it that you remember the exact time that you first saw the woman and the exact time, even to the month, that you saw her for

the last time? A I don't say the month at all, sir.
Q How is it you remember as to years? A Because the reason I know this year an account I was boarding with a woman, it was in '66, the time they was building the Union Pacific Railroad, and we was keeping boarders, and there was some talk about this lady and this white man living together, and we were talking about them on the porch, and after a while they came down in the road, come down the street, and they said that's the lady that lives with a white man.
Q Well I can't-- A Well I say we was having a conversation there on the porch about this colored woman and the white man living together, and finally one of the boys says, "There goes the lady," he says, "that lives with a white man," and I knew as he said how they ought to be tarred and feathered, or something of that kind.
Q Both of them? A No, sir, the white man.
Q What year was that? A That was in '66.
Q What time of the year? A That was along in the summer sometime.
Q Well now, Mr. Snow, if this woman herself and a man by the name of L. D. Daniels, and a woman by the name of Hester Williams, and another woman by the name of Pollie Hivens, and a man by the name of Fred Martin, have sworn that this woman was in Fort Gibson in the fall of '66, are you going to say that's not so? A Well, she was there in '66.
Q All the time? A I won't say that she was all the time. I saw her frequently.
Q Well I am speaking now of the fall of '66? A Yes, sir, she was there in '66.
Q The fall of '66? A Yes, sir.
Q Was ~~there~~ there in the spring of '66? A She was along in the summer along in '66. Well now we are talking about that woman, I know she was there in the summer, yet I hear man that have swore that she wasn't. I saw her frequently. I don't know that it was then at that time or not.
Q You wouldn't swear that she wasn't in Fort Gibson during the fall of '66, would you? A Yes, sir, I think--
MR. HASTINGS: Did you see her quite frequently from '66 until '70, that is just like anybody else that's living in the town? A Yes, sir.
MR. BROWN: Mr. Smith, you didn't see her when she wasn't there of course? A Sometimes I wouldn't see her, no.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Ida Young, D-711, Emma Walker, D-712, Hannah Briggins, D-713, and in the case of Emily Walker, D-710, the same being the case at bar. It appears from the records of the Commission that all of the above applicants are represented by Mellette & Smith, who appear by Lewis T. Brown.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 1st day of July, 1902.

(Signed) P. G. Reuter,

Notary Public.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, states on oath that the for going is a true and correct copy of the original transcript of said testimony.

Jesse O. Carr

Subscribed and sworn to before me this 2nd day of August, 1902.

Bruce C. Jones
Notary Public.

[illegible] to do so.

[illegible] Findings

[illegible] The Commission most carefully considered the [illegible] of this petition [illegible] to the granting of this request [illegible] for the reason that most of these applicants have had more than a [illegible] to file an [illegible] of their testimony that they desired to [illegible] make out their case before the Commission and that notice [illegible] each rule of procedure in March last, that the cases would [illegible] on testimony was concerned in the special [illegible] attorneys representing these applicants, and [illegible] the 21st day of June, 1906, and that this being the first day of the [illegible] 1906, he supposed under the rulings of the Commission that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no cause shown either by [illegible] there is any special and particular reason shown either by the Government Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission

The last [illegible] that the call of the Cherokee roll shall be used in [illegible] with the decree of the Court of Claims rendered the [illegible] 1896, and [illegible] the Commission must take judicial notice [illegible] of said Court in the prosecution [illegible] of attorneys for applicants [illegible] additional time [illegible] of the proceedings in the said Court in [illegible]

[illegible]

[illegible] that as a [illegible] is a true [illegible] of the proceedings in the [illegible] and [illegible] thereof.

(Signed) [illegible]

Subscribed and sworn to before me this 14th day of [illegible], 1906.

(Signed) [illegible]
Notary Public.

(SEAL)

[illegible] the [illegible] to the [illegible] that the above and foregoing is [illegible] of the original test [illegible] in the [illegible] cause [illegible] the Commission, which [illegible] has been [illegible]

[illegible]

[illegible] before me this [illegible]

[illegible]

[illegible] Civilized Tribes

[illegible], I. T., May [illegible]

In the matter of the application of [illegible] for enrollment as a Cherokee freedman.

Applicant appears by Mallory & Smith. Cherokee Nation by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible], Trustee for the freedmen, vs. The Cherokee Nation, No. 27209, filed in the Mariah Hayden case [illegible], a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof or any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

J

Cher D-713

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office.
Tahlequah, I. T., September 30, 1903.

In the matter of the application of Hannah Briggins for the enrollment of herself and her minor child, Lottie Briggins, as Cherokee Freedmen.

HANNAH VANN, personally appearing, and being first duly sworn and examined, testified as follows:

Q What is your name? A My name is Hannah Vann.
Q How old are you? A Twenty-six.
Q What is your post office address? A Elliott.
Q Are you an applicant for enrollment by this Commission as a Cherokee Freedman? A Yes, sir.
Q Under what name did you make application for enrollment? A Hannah Briggins.
Q Have you got a daughter named Lottie Briggins? A Yes, sir.
Q Have you married since you were enrolled? A Yes, sir.
Q When were you married? A I was married December 14.
Q What year? A 1902.
Q Have you got your marriage license and certificate with you?
A No, sir.
Q Who were you married to? A Eli Vann.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Are you and Eli Vann living together now? A Yes, sir.

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the above and foregoing testimony, and that the same is a true and accurate transcript of my stenographic notes thereof.

George R. Smith

Subscribed and sworn to before me this 22nd day of October, 1903.

Samuel Foreman
Notary Public.

GRS

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily Walker et al., as Cherokee freedmen, consolidating the applications of

Emily Walker et al	Cherokee Freedmen D 710
Ida Young et al	Cherokee Freedmen D 711
Emma Walker	Cherokee Freedmen D 712
Hannah Briggins et al	Cherokee Freedmen D 713

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Emily Walker (formerly Grimmett), for herself and her minor children, Fred, Flora, and Bertha Walker; by Ida Young for herself and her minor children, Pet L., Caroline and Emma Young; by Emma Walker for herself; and by Hannah Briggins for herself and her minor child, Lottie Briggins.

The evidence shows that the applicant, Emily Walker, (formerly Grimmett), was the slave of a Cherokee citizen residing in the Cherokee Nation at the commencement of the rebellion; that she went out of said nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said nation.

The evidence further shows that all the other applicants herein are the descendants of said Emily Walker, born since 1866, and have no right to enrollment except such as they may have acquired through her.

None of the applicants herein, then living, can be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Emily Walker, Fred Walker, Flora Walker, Martha Walker, Ina Young, Pat L. Young, Caroline Young, Anna Young, Rosa Walker, Samuel Brighing and Lottie Brighing should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tams Bixby

Chairman.

SIGNED: T. B. Needles

Commissioner.

SIGNED:

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this APR 22 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901
ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 12th, 1901, in the matter of the application of Hannah Briggins et al for enrollment as Freedmen of the Cherokee Nation.

Mellott & Sweet

Attorneys for Applicants.

Cherokee F. #D713.

COPY.

Cherokee Freedmen
D-125 et al.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Driggins as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-126.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-710 et al.

Muskogee, Indian Territory, May 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Emily Walker et al., including the Commission's decision dated April 28, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-187.

COPY.

Cherokee Freedmen
D-712 et al.

Muskogee, Indian Territory, May 5, 1904.

Edgar Smith,

Attorney for Emily Walker et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Emily Walker et al., rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lettie Briggins as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
Enc. D-188.

COPY.

Cherokee Freedmen
D-713.

Muskogee, Indian Territory, May 5, 1904.

Hannah Briggins,

Welch, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself and Lottie Briggins as Cherokee Freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register
D-184.

COPY

Refer in reply to the following:
Land 31091-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 23, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 8, 1904, transmitting for your consideration the applications of Emily Walker, et. al., as Cherokee Freedmen.

April 20, 1904, the Commission rejected the applicants.

From an examination of the record of the evidence it appears that Emily Walker- who was formerly known by the name of Emily Grimmittp for herself and her minor children, Fred, Flora, and Bertha Walker, and Ida Young, daughter of said Emily walker, for herself and her minor children, Pet L., Caroline and Emma Young; and Emma Walker for herself and by Hannah Briggins for herself and her minor child Lottie Briggins, make application for enrollment.

All of said various applicants are descendants of said Emily Walker (Emily Grimmit), born since 1866 and have no right to enrollment except such as comes to them through their said ancestor, Emily Walker - and if she has no right, and the said descendants do not come within some provision of some statute giving them a right independently of the right of inheritance, they are not entitled to enrollment.

And it appearing from the record that the said Emily Walker was a slave of a Cherokee citizen residing in the Cherokee Nation at the commencement of the rebellion; that she went out during the rebellion and did not, according to the weight of the testimony in our opinion return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitemire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

It is therefore recommended that action of the Commission rejecting said applicants for enrollment be sustained, and that said Emily Walker, Fred Walker, Flora Walker, Bertha Walker Ida Young, Pet L. Young, Caroline Young, Emma Young, Emma Walker, Hannah Buggins and Lottie Buggins should be denied enrollment as Cherokee freedmen, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898, (30 Stats., 495) and that it be so ordered.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

JTN

C

W.C.T.

J.P.

D. C.

18822-1904.

I.T.D. 4238-1904.

L.R.S.

THE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 5, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Emily Walker, et. al. (R.D.710 et al.), including your decision of April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Flora, Bertha and Emma Walker, Ida, Pet L., Caroline and Emma Young, Hannah and Lottie Briggins.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Chickasaw Freedmen
S. 715, et al.

Muskogee, Indian Territory, June 16, 1904.

[illegible] Ch.,

Attorney for Emily Walker, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 30, 1904, rejecting the applications for the enrollment of Emily, Fred, Elora, Willie and Rose Walker, Ida, Pet L., Caroline and Rose Young, and Hannah and Lottie Wright as Chickasaw freedmen, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Commissioner.

Cherokee Freedmen
D 710, et al.

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Emily, Fred, Nora, Martha and Sam Walker, Ida, Pol L., Caroline and Sam Young, and Hannah and Lottie Driggins as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 713

Muskogee, Indian Territory, June 14, 1904.

Emma Briggins,

[illegible], Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April [illegible], 1904, rejecting, among others, your application for the enrollment of yourself and your minor daughter, Lottie Briggins, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

B. F.D.713

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 12 1901
ACTING

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 12 1901

Post Office Welch I.T.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Hannah Briggins Age 21

Owner's name ..... Citizenship .....

Year K.C. Page 157 No. 3888 District Cov

Parents:

Father Fred ~~Walker~~ Walker dead Citizenship .....

Mother Emily Walker - living Citizenship .....

Names of Children:

3. Lottie Briggins Year K.C. Page 157 No. 3892 Dist. Cov 8

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Mrs. Stenographer W. D. Green

On K.C. roll as Hannah Grimmett

2 " " " " " Lottie "

Ref. D. 710

Represented by Mellette and Smith, Vinita, I.T.

E 710413

FILED
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

[illegible] Annual [illegible] ing,
[illegible]leigh, I. T.
[illegible]-2-2-733.
[illegible]

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

RETURN TO WRITER

1999
2360

Mrs. Hannah Briggins,

Welch, Indian Territory.

Unclaimed

REGISTERED.
MAR 29 1904
MUSKOGEE, I.T.

Ac. Fa. U. 379

NOV 28 1902

F.D-1126

STATE OF KANSAS,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, Moses Chambers was convicted at the May Term, 1884, of the District Court of the County of Leavenworth, of the Crime of Murder in the First Degree and sentenced to be hanged; and whereas, the said Moses Chambers by petition duly signed, has made application for commutation of sentence, notice of which has been given according to law, and satisfactory reasons appearing to me, now, therefore, by virtue of authority vested in me by the laws of this State, I do commute the sentence by reducing the term thereof to twenty-five years imprisonment in the penitentiary and at the expiration of said term, so commuted, do restore to him all the rights, privileges, immunities and franchises he possessed before such conviction.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed the Great Seal of the State. Done at Topeka, this 25th day of February A.D. 1902.

(SEAL)

By the Governor: W. E. Stanley.

Geo. A. Clark, Secretary of State.

By Will V. Wilson, Asst. Secretary of State.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I.T., November 13, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 15th day of November, 1902.

B O Jones

Notary Public.

[redacted]

[illegible]

[illegible] I have [illegible] unto subscribed my name and caused to be affixed the Great Seal of the State. Done at Tonkawa, this 4th day of October, A.D. 1908.

(SEAL)

By the Governor: W. R. Stanley.

Geo. A. Clark

Secretary of State.

By _____

Asst. Secretary of State.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I.T., November 13, 1908.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do here by certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

_____

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 16th day of November, 1908.

_____

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
ENROLLMENT CASE No. [illegible].

[illegible]

[illegible] Commission to the Five Civilized [illegible], Indian Territory, and, being duly sworn to [illegible] Law of Attorney, made personal application for [illegible] of [illegible] to be a Choctaw Freedman; and that he [illegible] from date thereof [illegible] to introduce [illegible] to the right of [illegible] Choctaws to enroll [illegible]

[illegible]

[illegible] ordered that the matter be continued [illegible] and the same be hereby [illegible].

It is further ordered that this cause be set down for [illegible] at the office of the Commission to the Five Civilized [illegible], Indian Territory, on the [illegible] day of October,

AUG 30 1902
CITIZENSHIP COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE ENROLLMENT CASE F. D-1126.

In the matter of the application of Mose Chambers for enrollment as a Cherokee Freedman.) MOTION FOR CONTINUANCE.

The record in this case shows that on June 26, 1902, Edward T. Riling appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and, being duly authorized by properly executed Power of Attorney, made personal application for the enrollment of Mose Chambers as a Cherokee Freedman; and that he was granted sixty days from date thereof in which to introduce further testimony as to the right of said Mose Chambers to enrollment as a Cherokee Freedman.

On the 26th day of August, 1902, the said Edward T. Riling filed a motion to continue cause for sixty days from August 28, 1902, setting forth sufficient reasons why said motion was made.

ORDER.

It is, therefore, ordered that the motion to continue this cause be, and the same is hereby allowed.

It is further ordered that this cause be set down for further hearing at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on the 27th day of October, 1902.

Acting Chairman.

Dated at Muskogee, Indian Territory,
this 26th day of August, 1902.

In the matter of the application of Moses Chambers for enrollment of himself as a Cherokee freedman, now pending before the Dawes Commission, sitting at Muskogee, Indian Territory.

MOTION.

Comes now Robert T. Billing, of Lawrence, Kansas, attorney for Moses Chambers, and respectfully petitions and moves the court that a continuance of sixty days from the date hereof be granted in the above entitled cause, the following reasons.

First, that the said Moses Chambers, who is now confined in the [illegible] Penitentiary, at Lansing, Kansas, [illegible] R. Billing, [illegible] an absolute pardon, or for a [illegible] the said pardon, he will appear in person before the said Dawes Commission and testify in his own behalf.

Second, that he can and will secure further testimony tending to show and prove to citizenship in the Cherokee Nation; that it is his name that appears on the Kerns-Clifton rolls of the Cherokee Nation; that his name was placed there at the instance and request of his mother, Louisa Choteau, and that the name of Mary Choteau was placed opposite his name on the Kerns-Clifton rolls, as aforesaid, by mistake, and further, that he was born in the Cherokee Nation and lived there during the war and for many years thereafter.

In the matter of the application of Mose Chambers for enrollment of himself as a Cherokee freedman, now pending before The Dawes Commission, sitting at Muskogee, Indian Territory.

MOTION.

Comes now Edward T. Riling, of Lawrence, Kansas, attorney for Mose Chambers, and respectfully petitions and moves the court that a continuance of sixty days, from the 28th day of August 1902, be granted in the above entitled cause, the following reasons.
First, that the said Mose Chambers, who is now confined in the Kansas State Penitentiary, at Lansing, Kansas, has reasonable assurances that the Honorable W. E. Stanley, Governor of the state of Kansas, will grant him an absolute pardon on, or about the 20th day of October, 1902, and in case he secures the said pardon, he will appear in person before the said Dawes Commission and testify in his own behalf.
Second, that he can and will secure further testimony tending to show and prove his right to citizenship in the Cherokee Nation; that it is his name that appears on the Kerns-Clifton rolls of the Cherokee Nation; that his name was placed there at the instance and request of his mother, Louisa Chotem, and that the name of Mary Chotem was placed opposite his name on the Kerns-Clifton rolls, as aforesaid, by mistake, and further, that he was born in the Cherokee Nation and lived there during the war and for many years thereafter.

Edwd. T. Riling
atty for Mose Chambers

Muskogee, I. T., Aug 26, 1902

In the matter of the application of Joe Chambers for enrollment of himself as a Cherokee freedman, now pending before the Commission, sitting at Muskogee, Indian Territory.

MOTION.

Comes now the undersigned, attorney for said Joe Chambers, and respectfully petitions and moves the court that a continuance of sixty days be granted in the above entitled cause, that said Joe Chambers may be notified in the premises, that the said Joe Chambers may be present in person before the said Dawes Commission and testify in his own behalf.

Petitioner, that he can and will secure further testimony pertaining to abor and prove to citizenship in the Cherokee Nation; that it is his name that appears on the Kern-Gritton roll of the Cherokee Nation; that his name was placed there at the instance and request of his mother, Louisa Chotsem, and that the name of Mary Chotsem was placed opposite his name on the Kern-Gritton roll, as a mistake, by mistake, and further, that he was born in the Cherokee Nation and lived there during the war and for many years thereafter.

Motion

I hereby accept service in the within and foregoing motion.

Dawes Commission

Attorney for Cherokee Nation

Affidavit

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 29 1902

In the matter of the application of Mose Chambers, for enrollment as a Cherokee freedman, now pending before the Dawes Commission, sitting at Muskogee, Indian Territory.

County of Douglas, ( )
( ) S. S. Affidavit.
State of Kansas.

Edward T. Riling, of lawful age, being first duly sworn deposes and says ,
First, that he is a resident of Lawrence, Douglas County, State of Kansas, and is a practicing attorney,
Second, that he is well acquainted with Mose Chambers, who is now a convict in the Kansas State Penitentiary,
Third, that he appeared before the Dawes Commission on the 28th day of June, 1902, and application for enrollment of the said Mose Chambers was made that day, and his name placed on a doubtful card.
Fourth, that a continuance of sixty days from the 28th day of June 1902, was granted at the instance and request of affiant by the said Dawes Commission for the purpose of introducing further evidence to show that the said Mose Chambers is the identical person whose name appears on the Kerns-Clifton rolls of the Cherokee freedman, and further, as to his residency, prior to his incarceration in the Kansas State Penitentiary.
Fifth, that the said Mose Chambers sentence was commuted by the Hon. W. F. Stanley, Governor of the state of Kansas, to twenty five years in the Penitentiary, and the said Mose Chambers has yet about a year to serve.
Sixth, that affiant verily believes that the said Governor Stanley will some time, within the next sixty days, grant the said Mose Chambers an absolute pardon, and if the said pardon be granted, the said Mose Chambers, it is the intention of the said Mose Chambers to appear in person before the Dawes Commission and testify in his own behalf.
Sigth, that there are other witnesses living in and around Tahlequah, Indian Territory, who have known the said Mose Chambers from boyhood, and who will appear and testify before the Dawes Commission, in his behalf, and among the said witnesses are Mary Choteau, and Sam Choteau ; affiant verily believes that he can produce said witnesses, if an extension of sixty days time be given him. The said Mary Choteau will testify that she was present at Fort Gibson when Louisa Choteau, the mother of Mose Chambers, registered the name of Mose Chambers, and further, that there is but one Mary Choteau living in and around Tahlequah, and that her name, instead of Louisa Choteau, was, by mistake, placed opposite the name of Mose Chambers on the Kerns-Clifton roll, and further, that she knows and is very well accuainted with the said Mose Chambers, that he is a Cherokee freedman and that it is his name that appears upon the Kerns-Clifton rolls of the Cherokee Nation, and that the said Mose Chambers was born in the Cherokee Nation, and lived there during the war, that he is a Cherokee freedman, that Louisa Choteau is his mother, and the said Sam Choteau and other witnesses which affiant verily believes he can produce, on or before the 28th day of October, 1902, will testify to nearly all the material facts that the said Mary Choteau will testify to, and further, affiant verily states and says that he has exercised proper care and diligence in his efforts to secure the attendance of the before mentioned witnesses, and believes that he can not produce the same on the 28th day of August 1902, but that said witnesses can, and will appear before the Dawes Commission on or prior to the 28th day of October, 1902.

Ninth, that all the facts that the said witnesses will testify to are of a material nature, and can and will prove and establish Mose Chambers' righ to citizenship of the Cherokee Nation .

Edw. T. Riley

Suscribed and sworn to before me this 21. day August, A.D. 1902

A. W. Shoppe

Notary Public

My commission expires Oct. 1, 1904.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 10 1902
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 28, 1902.

In the matter of the application of [illegible], for the enrollment of himself as a Cherokee Freedman:

Appearances:
Edward T. Hilling, Esq., Lawrence, Kansas, for applicant;
W. W. Hastings, Esq., for the Cherokee Nation.

LOUISA CHAMBERS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Louisa Chambers.
Q Where do you live ? A Tahlequah.
Q Do you want to make application for the enrollment of your son Henry Chambers ? A Yes sir.
Q How old is Henry ? A I don't exactly know how old he is.
Q About how old ? A He was pretty near a grown man when he went off.
Q How old was he when the war broke out ?
A He was a good sized boy.
Q When the war broke out ? A Yes sir.
Q He must be fifty years old now, then, don't he ?
A Yes sir, I suppose he is.
Q How old are you ? A I don't know sir how old I is.
Q Where is Henry now ? A In prison.
Q At Leavenworth, Kansas ? A Yes sir, I reckon that's the place.
Q Where did he live before he was sent to prison ?
A In the Cherokee Nation there with me.
Q Where was he born ? A In the Cherokee Nation; Tahlequah District.
Q Was he born a slave ? A Yes sir.
Q Who was his owner ? A Chambers.
Q What was his owner's first name ? A Wolfe.
Q What was Chambers first name ? A Joe Chambers.
Q Was he a Cherokee ? A Yes sir, Cherokee.
Q What was Henry's father's name ? A Peter Williams.
Q Was his father a State man or a freedman ?
A He was a freedman.
Q Has this boy ever been recognized as a Cherokee freedman ?
A Yes sir.
Q Have you ever drawn any money for him, or did he ever draw any ?
A Yes sir, he drawed money.
Q When ? A At Fort Gibson at the first payment.
Q The Wallace payment ? A I don't know whether it was Wallace or not, he was paid at Fort Gibson.
Q How long had he been in prison ? A About fifteen years, and maybe longer.
Q Been there quite a while ? A Yes sir.
Q Was he there when the last payment was made five or six years ago ? A Yes sir.

--The rolls of 1880 and 1896 examined, and the name of the applicant does not appear thereon.--

Q Mattie did you draw Henry's money when the Dawes-Clifton money was paid ? A No sir, they said I couldn't draw it, he would have to draw it himself, he would have to get it himself. I tried to get it but couldn't.
Q They didn't pay you that money ? A No sir.

Q Did they ever pay you any money from the Wallace property that
made ? A No sir, they never did give me any of Hans's money.
I tried to get it, and never could get it.

Mr. Hilling: You never got any money for Hans at all ?
A No sir.
Q You asked for it didn't you ? A Yes sir I asked for it.
Q What did they tell you ? A They said he would have to get
it himself; it would be there for him.
Q That it would be there for him, and he could get it, was that
it ? A Yes sir.

Mr. Hastings: This gentleman (indicating agent for applicant),
says that the Pension records show that Hans was married about
1864; do you think that is correct ? That would be ever eighteen
years ago.
A I don't know.
Q Did you ever have any other name besides Louisa ?
A Chambers.
Q Ever have any given name besides Louisa ? A That's all.
Q Never called you Elizabeth or Jane ? A No sir.

LILLIE CHAMBERS, called as a witness, being duly sworn and
examined by the Commission, testified as follows:

Q What is your name ? A Lillie Chambers.
Q How old are you ? A Twenty one.
Q Where do you live ? A Washington.
Q Are you a daughter of Hansen Chambers ? A Yes sir.
Q Do you remember when he was sent to the penitentiary ?
A No sir.
Q Was he sent there before you could remember ? A Yes sir.
Q Did you draw Karma-Clifton money in 1907 ? A No sir.
Q Did you have any brothers or sisters ? A Yes sir.
Q Did they draw any of that money ? A No sir.
Q Do you know whether or not your father ever drew any money ?
A No sir. I don't know anything about that.
Q Do you know a woman named Mary Chatman ? A Yes sir.
Q Who is she ? A That's my father's sister's daughter.
Q How old a woman would she be now ? A I don't know, sir.
Q Have you any idea ? Has Mary Chatman got any children ?
A Yes sir.
Q How old is the eldest child, older or younger than you ?
A Older.
Q Did Mary ever have a boy named Hans ?
A Not that I know of.
Q What is the eldest boy named ? Mary's eldest boy ?
A Richard.
Q What is the next one ? A William.
Q The next ? A Clarence.
Q How old is Clarence ? A I don't know, sir.
Q Older than you, or younger ? A No sir, younger.
Q Have you been before the Commission and made application for the
enrollment of yourself ? A No sir.
Q What was your mother's name ? A Annie Chambers.
Q Was she a Creek woman ? A Yes sir.
Q You have never been before the Commission ? A No sir.
Q Are you the eldest one of your father's children ?
A No sir.
Q Got a child older than you ? A Yes sir, a brother.
Q What is his name ? A Hansen Chambers.
Q How old is that boy ? A About twenty three.

Q Has he ever drunk any money ? A Not that I know of.
Q Where have you been living since you were born, at Leavenworth, Kansas ? A Yes sir.
Q Does your mother live there too ? A Yes sir.
Q How long has he been living there ? A I don't know.
Q Have you been living there ever since you can remember ?
A Pretty much.
Q Did you live in Kansas City too ? A Yes sir.
Q Have you ever lived in the Cherokee Nation ?
A Not until now, that I know of.
Q How long have you been here this time ? A Only two years.
Q Were you born in Kansas ? A I don't know, I guess I was.
Q Where were you born ? A I don't know.
Q Did they tell you that you were born there ?
A I don't remember that.
Q Never heard them say where you were born ?
A No sir, I never paied them.
Q Is your mother living ? A No sir, she's dead.
Q How long has she been dead ? A About ten years.
Q Where did she die ? A At Leavenworth.
Q Were you living at Leavenworth, Kansas, when you could first remember ? A Yes sir.
Q Were you living there when your father was sent to the penitentiary ? A I don't know, sir.

Mr. Hastings: Where is your oldest brother, Weston ?
A I left him in Leavenworth.

The Commission: Have you any younger brothers or sisters ?
A No sir.
Q Just you two children ? A Yes sir.

Mr. Hastings: Do your mother's folks live up there at Leavenworth ? A Yes sir.
Q You father and mother married up there ? A I don't know.
Q Didn't you hear them say ? A I never remembered my father at all.
Q Didn't you hear your mother say ? A No sir.
Q Your mother's people live there ? A Yes sir. They haven't lived there always, so I don't know where they married.

LOUISA CHUTEAU, re-called, testified as follows:

Examined by the Commission:

Q Who is Sam Chuteau, auntie ? A My husband.
Q How long have you been married to him ?
A Directly after peace was made me and him got together.
Q He is not the father of Moses is he ? A No sir.

Examined by Mr. Hastings:

Q Auntie did Moses marry up there at Leavenworth, Kansas ? He wasn't married when he left here was he ? A He married there in the Cherokee Nation and went off with her.
Q Was he married to the mother of this girl Lillie, here ?
A Yes sir.
Q Where was he married to her ? A Right across the branch from where we lived.
Q Did he have any children there by her mother ? Or were they born in Kansas ? A One was born there.
Q What was its name ? A I don't remember its name.
Q Was it a boy or a girl ? A It was a girl.

[illegible], re-called, testified as follows:

Mr. Hastings:

Q Have you an older sister dead ? A I don't know a thing about it.
Q You never heard of her ? A No sir.

[illegible], re-called, testified as follows:

Mr. Hastings:

Q You know it was a girl do you ? A Yes sir. Hope went off and give it to me, and it died.
Q It was the only one they had here there, then ?
A The only one I know.
Q The rest of these were born away from here ? A Yes sir.
Q Do you know Mary Shotzen ? A Yes sir.
Q Who is she ? A She is my grand daughter.
Q What is her name now ? Is that her name now, Mary Shotzen ?
A She goes by the name of Mary Lewis now.
Q Is she Richard Lewis' mother ? A Yes sir.
Q How auntie, about how old is Mary ? A She is getting grow, but I can't say how old she is. She's getting along.
Q How big is her oldest child; is he married ?
A The oldest one is married.
Q Is Richard the oldest one ? A Yes sir.
Q Did she have an older one that died ? A No sir.
Q About how old do you think that oldest one is ? A Richard?
Q Yes ? A I don't know; Richard said he is about 15 or 16, and some say he is older. I don't know.
Q You don't remember his age, do you ? You know he is married, don't you ? A Yes sir, that's all I know.
Q Been married a couple of years hasn't he ? A Yes sir.

Examined by Mr. Riling:

Q Auntie did you put Hope's name on the register once ?
A Yes sir.
Q You did ? A Yes sir.
Q When ? A At Fort Gibson there. All of the names was together.
Q Did you put his name on the register when you put yours on ?
A I give it to them to put it on.
Q Are you the one that puts the names on ? A Yes sir. I told them and I reckon they put it on.
Q Do you know how many years ago it was ?
A It was several years ago; I don't remember. It was at Fort Gibson.

The Examiner:

Q Was that before he went away or after he went away ?
A ~~That was before he went away.~~

Mr. Riling:

Q Was it ten years ago since his name was put on ?
A I reckon it was just about that. I don't remember.

The Examiner:

Q Auntie what was this you corrected Mack, before he went to prison

Q Afterwards ? Didn't he left you or afterwards ?
A I was afterwards. I don't, either he went off from me.
Have you ever seen him since he left home ?
No sir, I also seen him since he left here.
Was it before he was sent or after he was sent now that you tried to protect him ? A After he was sent now.
How long after ? A Just few years I suppose.
After he was sent now ? A After he was sent now from here so long as I can guess.

Mr. Hiling: You don't know positively, do you grandmy ?
A No sir.

The Examiner: How many children did Mary Hudson have outside ? A About six living I think.
Do you know their names ? A Yes sir.
What is the name of the eldest son ?
A Lewis, after me; Richard, and Clarence and Jack, and Jim would be eldest.
Q How long have you been living over there in the neighborhood of Shilomah District ? A I have been living there so long I can't able to tell you.
Are you pretty well acquainted with the families living over there ? A Yes sir.
Did you ever hear of another man named Ross Chambers, besides your son ? A I never heard of no other man named Ross Chambers besides my son; never heard of any one else of that name, no sir.

BERNARD T. HILING, agent for applicant, being duly sworn and examined by the Examiner, testified as follows:

Q What is your name ? A Bernard T. Hiling.
How old are you ? A I am 27.
What is your post office address ? A Lawrence, Kansas.
Are you acquainted with Ross Chambers, the applicant in this case?
A Yes sir.
You have a power of attorney authorizing you to appear before the Commission in his behalf ? A Yes sir, I have.
Have you ever conferred with him about his right to enrollment as a Cherokee freedman ? A Yes sir.
How long has he been confined in the penitentiary at Fort Leavenworth ? A If I remember correctly, since May 14, 1924.
Have you ever, during your conversation with him, heard him say anything about having drawn any money as a Cherokee freedman ?
A Never did, no sir.
Q Did you ever ask him ? A No sir, I don't know that I ever asked him; he told me that there was money coming to him.
Did he say how much ? A No sir, he did not.
Was there any conversation had with reference to his residence in the Territory ? A Well, he simply told me that he was from the Cherokee Nation, and that he was a Cherokee freedman.
Q You didn't know anything about his personality prior to your connection with the case ? A I did not, no sir. He told me that he had money coming to him down here and had money coming to him. He says he is the penitentiary here, and I know I am entitled to that land, and I have relatives living in the Territory, my mother lives at Shilomah and she is married to a man by the name of Chatman, and I have a daughter living down there. And he said that, since I had started his consideration of enrollment, which has taken five years in the penitentiary, keeping him and your and a half, taking this consideration his good time, he would contract me

with a power of attorney to come down here and look after his business, and told me where his mother lived, and where his daughter lived over there; and said he knew they would be very glad to help me in this matter. And I spoke to him about this power of attorney and he said that all he wanted was something to get his hands and have his rights planted in a position so that he would be hereafter recognized, or words to that effect.

Examined by Mr. Hastings:

Q Did he says who his wife was or had been ?
A No sir, he told me that his wife was dead.
Q Didn't say where he was married to her ? A No sir, he did not.

LOUISA CHOTEAU, re-called, testified as follows:

Examined by Mr. Hastings:

Q What was Moses's wife's name when he married her ?
A Annie.
Q Annie what ? A Annie Townsend is what they told me.
Q Where did she live ? A She stayed there about Gibson, and they went on to the State from Gibson.
Q Did he marry her at Gibson or in the State ?
A They got together there in my house and was living right across the branch from me.
Q One child was born, and after that child was born they went to the State ? A Yes sir. They give her to me, they did.
Q The girl died ? A Yes sir.
Q And the rest of these children were born up there in the State ?
A Yes sir, that's where their home was, I don't know where they was born.

—Korse-Clifton roll, page 114, there appears opposite # 2010, in Tahlequah District, the name of Moses Chambers, age, at that time, about 22 years. Opposite the name of the said Moses Chambers appears the following note: "Son of Mary Chateau".

—Louisa Chateau, whose application for the enrollment of her son Moses Chambers as a Cherokee Freedman. The said Moses Chambers is at present confined in the penitentiary at Fort Leavenworth, Kansas, and has been there since about the year 1921. He is not identified upon the roll of 1896, the census roll of 1896, nor the Wallace roll of Cherokee Freedmen. There is identified on the Korse-Clifton roll of Cherokee Freedmen, one Moses Chambers, but no satisfactory proof is introduced at this time to show that the said Moses Chambers, whose name appears upon that roll is the identical person for whom application is now made. By reason of the fact that the applicant is not definitely identified on the tribal rolls of the Cherokee Nation now in the possession of the Commission, final judgment as to his enrollment will be postponed, and his case placed upon a doubtful card awaiting the further consideration of the Commission.

The Commission: The applicant, by his attorney Edward T. Miller, requests and will be granted sixty days from the date hereof in which to introduce further testimony, tending to prove that the said Moses Chambers whose name appears upon the Korse-Clifton roll of Cherokee Freedmen and the applicant in this case are one and the same person. Also further testimony showing the residence of the said Moses Chambers prior to his incarceration in the penitentiary.

[redacted]

[redacted]

[redacted]

Seal

[redacted]

[illegible]

[illegible]

[illegible]

[illegible]

Cherokee Freedman D-1298.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 29, 1902.

In the matter of the application of Mose Chambers for the enrollment of himself as a Cherokee freedman.

Applicant appears by Edward T. Bilingl Cherokee Nation by A. S. Siam.

Under date of April 22, 1902, there was filed with the attorney for the applicant a motion for continuance in the above cause, and under date of August 28, 1902, it was ordered that the motion to continue this cause be allowed and the same be set down for further hearing at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on the 27th day of October, 1902.

Mose Chambers, being sworn and examined, testified as follows:

By E. T. Bilingl What is your name? A Mose Chambers.
Q Where were you born? A Near Tahlequah, Indian Territory.
Q Do you know how old you are? A About fifty-four.
Q You think you are fifty-four? A As near as I can get at it, somewhere near about that.
Q Do you know for certain how old you are? A I don't for certain.
Q Where have you been during the last nineteen years? A In prison.
Q What prison? A Leavenworth, Lansing-State Prison.
Q Lansing, Kansas, State Prison? A Yes sir.
Q Do you know how many years you were there? A In '84 I went there.
Q When did you get out? A The first day of March, last March.
Q You didn't understand my question, when did you get out of the penitentiary, when were you released, how longago? A I was released from there along the first of March.
Q How long have you been away from there now so that you are a free man? A It has been about a week. A little over a week.
Q Do you know about how old you were when you went out to the penitentiary? A I don't exactly remember my age.
Q Do you know about how old you were, were you a grown man? A I guess I was about grown then.
Q Were you married or single? A I was married then.
Q Did you have a family? A I had a family.
Q Where were you married? A At Fort Gibson.
Q Indian Territory? A Indian Territory.
Q How long before you left here were you married? A (No answer.)
Q Did you have any children when you left here? A No, I didn't.
Q How many children did you have? A Three children that are married.
Q Where were those children born? A In Leavenworth.
Q Are all three of the children living now? A All three at my house. Woodson and Lillie are living.
Q What is your mother's name? A Louisa Chambers, before she married, afterwards Louisa Chouteau.
Q What is her first name? A Louisa Chambers.
Q What is her name now? A Louisa Chouteau.
Q What is her husband's name? A Sam Chouteau.
Q Where does your mother live? A In Tahlequah.
Q Where does Sam Chouteau live? A At Tahlequah.
Q Was your mother Cherokee Indian over near Tahlequah? A Yes sir.
Q Have you seen your mother since you got out of the penitentiary? A Yes sir.
Q Are you a Cherokee freedman? A Yes, I am a Cherokee freedman.

R-Mose Chambers-

Q Did you ever draw any money from the Government? A Only once.
Q When was that? A That was about twenty-five years,near as I can get at it.
Q How much money did you draw? A Ten dollars, that is all I have had, sir.
Q What is your father's name? A Sam Chouteau.
Q Your father's name was what? A Samuel Chouteau.
Q Was he a Cherokee,freedman? A He was a Cherokee freedman.
Q Did he have any lands? A Lands of the Cherokee freedman he had.
Q Did you say your mother now has Cherokee lands in her possession? A Yes sir.
Q Do you know whether or not your Mother ever drew any money from the Government? A Yes sir.
Q Do you know what the name of this money was you drew? A The bread money I thinkthey called it.
Q Do you know Mary Chouteau? A Yes sir.
Q Who is Mary Chouteau? A My sister's daughter.
Q Have you seen Mary Chouteau since you came back from the penitentiary? A I have, yes, sir.
Q Did you ever have a conversation with her concerning any money you ever drew from the Government? A I spoke to her something about it. I never got mine, only one payment.
Q Did she ever tell you that she made application for the payment of certain Cherokee money for you? A Yes sir.
Q Where did she make that request? A At Tahlequah.
Q Are you sure of that? A Yes sir.
Q Did she get any money for you? A She didn't get any for me at all.
Q What did she tell you? A She said she got money.
Q Did she tell you why she didn't get it? A I don't remember just what she said.
Q Did she tell you that she asked for your money? A Yes sir.
Q Did she tell you why they didn't give it to her for you? A They said I would have to draw it myself. They said it had to be paid to me myself, they couldn't draw it.
Q Have you a daughter by the name of Lillie Chambers? A Yes sir.
Q Where is she living now? A In Tahlequah some place; right in Tahlequah - I don't know where she is right now; she is in Tahlequah though.
Q Do you know how many times Mary Chouteau has been married?(No answer).
Q What is her present name? A Johnson I believe that is her husband's name.
Q Mary Johnson? A Yes sir.
Q Do you remember Mary Chouteau before you left here? A Yes sir.
Q How old a girl was she when you left here? A Thirteen.
Q She has told you then that she made application for money for you? A Yes sir.
Q And did she tel you that the Government said that you would have to come and draw the money? A That I would have to be present before anyone could get it.
Q Are you a Cherokee freedman? A Yes sir.
Q How do you know you are a Cherokee freedman? A Because I was a slave of a Cherokee, Joe Chambers.
Q Where were you born? A At Tahlequah.
Q Was your mother a slave? A Mother was a slave.

Commissioner: Do you remember the war? A Yes sir.
Q About how old were you when the war broke out? A I guess I was about - I couldn't exactly tell you, I was about twelve.
Q Do you remember the war? A Yes sir.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Joe Chambers.
Q What was he? A A Cherokee.
Q By blood? A About a half breed Cherokee.
Q Did you leave the nation when the war broke out? A No sir.
Q Did your mother leave? A No sir, we stayed with them until peace was declared.
Q Did you ever leave the nation either during the war or immediately after the war? A No sir.
Q When was the first time you ever left the nation? A I never left until I was sent to the penitentiary.
Q That was about '84? A Yes, '84.
Q You stated a while ago that your mother told you that she made application for this money? A She is the one that had my name put on the roll. She had it put on the roll.
Q She told you that? A Yes sir, she told me that.
Q When? A She told me yesterday.
Q That was the first you knew of it? A No sir, she wrote and told me she had my name on the roll; I don't exactly remember when it was.
Q From the time of your birth up until the time you were sent to the penitentiary you never had been out of the Indian Territory?
A No sir.
Q Always made it your home? A Yes sir.
J.G.Starr: Who did you live with during the time of your birth up until the time you were sent to the penitentiary? A With my mother.
Q Who did you say you belonged to? A Joe Chambers.
Q Did you live with him while the war was going on? A Yes sir, was with him then until he turned us loose, when peace was declared.
Q Where did he turn you loose at? A On Red River; he put us down on Red River, down south.
Q Who else was along? A His brother Henry and John Chambers, his sons Tease Chambers, I and him were boys together.
Q Was Willie along? A Yes sir.
Q When they turned you loose down on Red River what became of you?
A We stayed with our mother.
Q Where did your mother live? A We lived on Red River quite a while and then we moved on Grand River.
Q Lived on Red River quite a while after they turned you loose? A Yes sir.
Q Who were neighbors down there? A Some colored people as well as I remember; Ruthy Markham.
Q Were there any Cherokees down there? A Yes, Cherokees.
Q Who were they? A Robin Bean, Dave Wright, Charley Willie.
Q This Charley Willie over at Fort Gibson? A I think he is; he lives there some place; I worked for him.
Q To what point in the Cherokee Nation did you come after that?
A I come back to Fort Gibson.
Q Who came back with you? A My mother. No, I came alone; mother had moved up there and I went down into the Chickasaw Nation and then come to my mother.
Q How long were you in the Chickasaw Nation? A I was there pretty close on to three years.
Q That was after you were turned loose at Red River? A Yes sir, they come on up to Gibson.
Q And you were in the Chickasaw Nation? A I worked at the Salt Licks in the Chickasaw Nation.
Q You worked there three years? A Yes sir.

Commissioner. You stated a while ago in answer to my question whether or not you left the Cherokee Nation at the outbreak of the war and you said you did not? A I told you our master took us down there.
Q Was it before the war? A Yes sir, he took us down there at the time of the war.
Q On what side of the Red River were you, in Texas? A On this side.
Q You also stated that from that time until '64 you hadn't been out of the Indian Territory? A Well, that was in the time of the war.
Q From the time of the war until '64 when you were sent to the penitentiary you stated you were never out of the territory did you not? A Of course, I was bound to go when I went to prison.
Q Before you were sent to prison from the time of the close of the war until you went to prison where were you living? A I was in the territory.
Q Had you been out? A No sir, I never was out of the territory until I was taken out by my old master.
Q I mean after you were taken out by your master? A I never was out.
Q You are a married man? A Yes sir.
Q Where were you married? A In Fort Gibson.
Q How old are these children of yours - how old is the youngest one? A The ~~youngest~~ one, he is about- he was four years old when I was sent to prison, the little one was one year old.
Q Where were these children born? A Leavenworth.
Q As a matter of fact you have been living out of the Indian Territory - are you sure these children were born in Leavenworth? A Yes sir.
Q How long had you been living in Leavenworth before these children were born? A I couldn't tell you exactly how long it was.
Q Were all the children born there? A They were all born there to my recollection.
Q What was the name of your wife? A Anna Townsend before she was married.
Q Was she a state woman or Cherokee freedman? A State woman.
Q Where did she live before she married you? A Down at Stranger.
Q Kansas? A Yes sir.
Q Was she living there when you were married? A No sir, she wasn't living there then.
Q Did she come down here before she married you, from Kansas? A Yes sir.
Q How long had she been here before she married you? A I don't know that either.
Q You were living at Fort Gibson at that time? A Yes sir.
Q How long did you live at Fort Gibson after your marriage before you went back to Kansas? A I don't know.
Q About how long as near as you can get at the time? (No answer.)
Q After the war was over - you remember when the war closed, you remember the war? A Yes sir, I remember the war, I don't recollect exactly my age.
Q Don't care anything about your age. After the war closed how long did you continue to live in the Cherokee Nation or Indian Territory before you went out? A I don't want to make any mistake unless I am positive.
Q Just your best judgment is all we want? (No answer).
Applicant's attorney. Moses, you remember when the war closed? A I remember when they said it was over, I don't remember the year.
Q Do you remember what you call peace was declared? A Yes sir.
Q How long after that time until you left the Indian Territory for Kansas that is the question we want to know, just about if you know if you don't know, say you don't know, give it approximately if you can, tell what you know? A I don't want to make any mistakes about it for I don't really know how long it was before I left.

S-Moses Chambers-

Commission: Where were you sentenced to the penitentiary, where were you living? A In Leavenworth County.
Q You were sent from Leavenworth? A Yes sir.
Q You were living there then? A Yes sir, at the time.
Q How long were you living there when you were sentenced to the penitentiary? A I guess some where about five years.
Q You had been living there five years before you were sent to pen? A Yes sir, not right in Leavenworth.
Q You were living in Kansas? A Yes sir, in the country.
Q During those five years had you ever been back to the nation? A Not until I was released.
Applicant's attorney: Can you read or write? A No sir.
Q Did you have a little trouble before you left here about a hog or some other matter? A King of a little trouble, it didn't amount to much.
Q Say yes or no? A Yes.
Q Is that the reason you didn't come back; in other words weren't you afraid to come back? A No sir.
Q Do you remember your father well? A Yes sir.
Q You remember your mother well? A Yes sir.
Q You remember the war? A I remember the war.
Q You remember of living here during the war? A Yes sir.
Q And living here some time after the war? A Yes sir.
Q Have you always considered yourself a Cherokee? A Yes sir.
Q And that is entitling you to land and money? A Yes sir.
J. C. Starr: You remember of working three years in the Chickasaw Nation at the Salt Licks right after the war don't you? A Yes sir, because we were took down by our old master in slave times.
Q Who took you down there? A Joe Chambers.
Q Who is he? A A Cherokee.
Q Was he your master? A Yes sir.
Q Did you stay there at his bidding? A Yes sir.
Commission: To the best of your knowledge how long was it after the war before you came back and actually took up your residence in the Cherokee Nation, your best judgment is all we want, about how many years was it? A I will have to guess at it for I don't know.
Q Give us the approximate time? A As near as I can get at it I will say about thirteen years, I don't know.
Q About how old were you - you were about twelve years old when the war broke out? A Somewhere close about twelve; I was very small.
Q Did you go down to Red River immediately upon the breaking out of the war? A War was going on when the old master carried us down.
Q You are sertain you worked in the Chickasaw Nation at the Salt Licks before you came back to the nation? A Yes sir.
Q You never came back to the nation after they took you down there until the expiration of the three years when you worked at the Salt Licks? Had you ever been in the Cherokee Nation from the time you went to Red River and worked at the Salt Licks after your master took you down there; had you ever been in the nation? Do you understand? A He left us down in the Chickasaw Nation and I worked out at the Licks about three years and as soon as I come back I come to the nation.
Q And that was the first time you had been here? A Yes sir, that is my recollection.
Applicant's Attorney: You have been in the penitentiary almost nineteen years? A Went there in '84.
Q During the time you have been away from the Indian Territory have you changed your residence or always kept your residence here? A I always kept it here in the Cherokee Nation.
Q That was your intention? A Yes, that was my intention.
Q To keep the Cherokee Nation your home? A Yes sir, that is my home and never had it any other way.
Commission: Did you ever vote in Kansas before you went in or were sent to the penitentiary? A Yes sir.
Q How often? A I voted for Garfield.
Q Was that the only time? A That was the only time.

A. G. Stack: What kind of a home did you have in the Cherokee Nation while you were in Kansas? A It was always good as I understand it.
Q Did you have any home here? A I always said that was my home, always intended that for my home.
Q You didn't have no actual home did you? A That has been my natural home if I could have got to it.
Applicant's attorney: Did you live with your mother? A I lived with my mother until I went away.
Q Did you call your mother's home your home? A It was hers and was mine.
Q But you always called that your home? A Yes sir.

Mary Ross, being sworn and examined, testified as follows:
By Mr. Riling: What is your name? A Mary Ross.
Q Is that your present name? A Mary Chambers before I was married.
Q Where do you live? A I live northeast from Tahlequah.
Q Where is Tahlequah, do you know, is it in the Indian Territory?
A Yes.
Q Do you know Mose Chambers? A Yes, I know him.
Q What relation are you to Mose Chambers? A My own uncle.
Q Have you seen Mose Chambers lately? A Yessir, I saw him yesterday and to-day.
Q Is the Mose Chambers who was testifying here your uncle? A Yes sir.
Q How old are you, Mary, do you know? A I don't know exactly, I always make a guess at it as near as I can, I don't know.
Q Do you remember the war? A I was free-born.
Q Do you remember the war? A No sir, I don't know, don't know anything about the war.
Q Do you know where Mose Chambers has been during the last nineteen years? A At Leavenworth jail.
Q What jail? A I can't think right now.
Q In the Kansas State Penitentiary? A Yes, I can't call it.
Q Do you know how long he has been in there? A No, I don't know.
Q Do you know when Mose Chambers left the territory? A Yes sir.
Q Was he married at the time he left here? A Yes sir.
Q Did you know his wife before she was married? A Yes sir.
Q What was her maiden name? A Annie —, I can't speak it.
Q Was it Townsend? A Yes, Townsend.
Q Have you got any lands over in the Cherokee Nation? A Yes sir.
Q When were you married the first time, Mary, how long ago about?
A I don't know how long.
Q Have you any children now? A I got six children.
Q Where did your children live? A In Tahlequah, north.
Q Do they live with you? A Yes, all but one.
Q Have your children got lands over there? A Yes sir.
Q Are you a Cherokee? A Yes sir.
Q You hold lands in the Cherokee Nation do you? A Yes sir.
Q Was Mose Chambers a boy or a grown man when he left here? A
He was a grown man.
Q Do you know whether or not he ever drew any money from the Government? A Yes sir, he drew once.
Q How much money did he draw? A Ten dollars.
Q Do you know what that money was called? A Bread money.
Q Did he ever draw any money after that? A No sir.
Q Do you know whether or not he drew the money before he left the territory? A Yes sir, he drew it before he left the territory.
Q What was your husband's name? A Aaron Ross.
Q Are the children you have now his children? A No sir, he hasn't any.
Q Did you have any children by your first husband? A Yes sir.
Q How many? A I had three.
Q Why ain't you living with your first husband now? A Couldn't get along, couldn't live together.
Q Are you married a second time? A Yes sir.
Q Have you been married more than twice? A No.

7-Mose Chambers-

Q What is your second husband's name? A John Chouteau.
Q Do you know Sam Chouteau? A Yes sir.
Q Is he any relative of yours? A Yes sir.
Q What relation is he? A My husband's uncle, that is John Chouteau's uncle.
Q What relation is he to you? A He aint any, just by marriage you know.
Q Have you seen him lately? A Yes sir.
Q When did you see him last? A A while ago.
Q Is he in this room? A Yes sir.
Q Where is he sitting? A Right back there (indicating).
Q Are you sure that is Sam Chouteau? A Yes sir, I am sure.
Q Is he married? A Yes sir.
Q Do you know what his wife's name is? A Yes sir.
Q What is it? A Louisa Chambers.
Q Did you ever in company with anybody appear before the Dawes Commission or any department of the Dawes Commission and ask that Mose Chambers be paid an allotment of money? A Yes sir.
Q Do you know when this happened? A It was after he left.
Q After he left? A Yes sir.
Q Was he in the penitentiary at that time? A Yes sir.
Q Where was this Cherokee Commission located was it at Fort Gibson? A Yes, at Fort Gibson.
Q Who was with you? A My granny, Louisa Chouteau.
Q Did she go by the name of Louisa Chambers before she married Sam Chouteau? A Yes sir.
Q Did you ask for that money? A Yes sir.
Q Did she ask for the money too? A Yes sir.
Q Were you together? A Yes sir.
Q What did they tell you? A They told us they would pay it to him; it would be here when he come out.
Q Who told you that? A Mr. Dixon.
Q Who is Mr. Dixon? A I don't know his other name.
Q Was he paying out money to other people there that day? A Yes sir.
Q Did you see him pay money to some other people? A Yes sir.
Q Was that the only time you ever appeared before the Dawes Commission? A That is the only time.
Q Didn't you appear before the Dawes Commission once after that you and Louisa Chouteau? A Yes, but I didn't appear to them to try and get his money you know.
Q What did you go there that time for? A I went there and enrolled after I went back.
Q Were you present when Mose Chambers was enrolled? A Yes, I was there.
Q By what name did you go at that time? A I went by Mary Chouteau.
Q Mose Chambers your uncle you say? A Yes sir, my own uncle.
Q The same Mose Chambers you heard testified here to-day? A Yes sir, the same Mose Chambers.
Commission: How old are you? A I don't know.
Q About how old? A I can't tell you.
Q How old is your oldest child? A Twenty-two.
Q Do you remember the war? A No sir.
Q You were born after the war were you? A Yessir.
Q You said you knew that Mose drew money at one time? A Yes sir.
Q Did you see the money paid to him? A I seen the money; he drew my money too.
Q How much did he draw? A Ten dollars.
Q You stated a while ago that you and Louisa Chambers appeared before the Commission and asked that Mose be paid a certain amount of money; don't you know the Commission never made a payment; you don't mean you appeared before this Commission? A No, I didn't say that.
Q What Commission was that, do you remember any of the men on that Commission? A Yes sir, at Fort Gibson.
Q Who were any of the men? A Mr. Dixon.

Q They never paid him the money? A No sir, he was in jail a prisoner.
Applicant's attorney: Do you know what the Dawes Commission is, did you ever hear of the Dawes Commission before to-day? A Yes sir, I heard of it.
Q What name had this body of men that paid this money at that time, what name did they go by? A Mr. Dixon?
Q Yes. A I never did pay any attention to it.

Sam Chouteau, being sworn and examined, testified as follows:
By Mr. Riling: What is your name? A Sam Chouteau.
Q Where do you live? A At Tahlequah.
Q How long have you lived there? A I have been living there about six or seven years.
Q Where did you live prior to that time? A I was down on Red River.
Q How long did you live on Red River? A About four years down there.
Q Where did you live prior to that time? A I was down here and then come back in the nation from down there.
Q Were you living in the Cherokee Nation during the war? A Yes sir, born in the Cherokee Nation.
Q Have you lived in the Cherokee Nation ever since the war? A Yes sir.
Q Did you live in the Cherokee Nation beforethe war? A Yes sir.
Q Are you a Cherokee? A Yes sir.
Q Freedman? A Yes sir, freedman.
Q Have you any lands? A Yes sir.
Q Where is your land located? A Down east of Tahlequah, northeast.
Q How long have you been living on that land? A About five years.
Q Are you married now? A Yes sir.
Q What is your wife's name? A Louisa Chouteau.
Q Do you know Mose Chambers? A Yes sir.
Q Who is Mose Chambers? A He is my wife's son.
Q Did you know Mose Chambers at the time the war broke out when he was a little boy? A Yes sir.
Q Where was he living? A On Red River when I knew him; he was a boy then.
Q Do you remember of knowing him all during the war? A Yes sir.
Q How many years after the war do you remember of knowing Mose Chambers that he lived in the Indian Territory, Cherokee Nation? A He lived there to my knowing about six years as near as I can come after it, to my knowing, in the Cherokee Nation.
Q That was after the war was it? A Yes sir.
Q When last did you see Mose Chambers? A A while ago.
Q Is that the Mose Chambers that testified here? A The same Mose Chambers.
Q You heard Mose Chambers testify, is he the same Mose Chambers you knew during the war? A Yes sir, the same Mose Chambers.
Q Is he the same one that lived in the Cherokee Nation six years after the war? A Yes sir.
Q I mean after the close of the war? A Yes sir, that is what I mean, that is it.
Q How old are you? A I don't know my age exactly.
Q Has Mose Chambers ever drawn any money? A Yes sir, at one time.
Q Did he draw it himself? A Yes sir, he drew that.
Q Were you present when he drew the money? A Yes sir.
Q Where did he draw this money? A At Fort Gibson.
Q How much money did he draw? A Ten dollars.
Q The same Mose Chambers that drew the money testified here today?
A The same man, Mose Chambers.
Q Is Mose Chambers that testified here a Cherokee freedman? A Yes sir.

Q After he left here where did he go do you know? A To the best of my knowledge he was at Fort Leavenworth in jail a while; that is the best of my knowledge.
Q Do you know about how long he was gone? A No sir, not exactly, about twenty or twenty-five years ago he left the nation.
Commission: Did you leave the Cherokee Nation when the war broke out? A Yes sir.
Q Were you married to Louisa Choutean at that time? A Yes sir.
Q Was Moses living with you then? A Yes sir, he was living with me when we went out together; I didn't marry her until I went south.
Q He was living with you when you left the Cherokee Nation? A Yes sir.
Q Where did you go? A He went off before us and we were together.
Q He didn't leave the nation with you? A No sir, that is when he went north.
Q I mean after the war? A No sir.
Q Was he living with you when the war broke out? A He wasn't with me when the war broke out; when I went south I married his mother and Moses was with her.
Q You married his mother down south? A Yes sir.
Q Moses was with her down south? A Yes sir.
Q How long did you stay down there after you married her? A About five years.
Q Five years after the close of the war? A The war was going on when I went south.
Q About how much of the war, how long had the war been going on? A About a year or such a matter.
Q And you stayed down there about four or five years after that? A Yes sir.
Q Where did you go then? A I come back here to the nation.
Q Did Moses come with you? A Yes sir.
Q He come up with you at that time? A Yes sir.
Q You are sure about that? A Yes.
Q Moses said he stayed down there for three years and worked in the Chickasaw Nation, what do you think about that? A Moses come back and forward; he would come and go back.
Q Did he come when you came? A He wasn't along when I come back to the nation; I got that wrong.
Q Did he ever come up here with you? A He come himself when he come.
Q After you left down there you never saw him until he come up here? A No sir.
Q How many years after you left down there before you saw Moses? A About a year I guess.
Q How long did Moses continue to live up here after he came up? A I don't know how long he stayed here; I don't recollect how long he stayed here after he come back; I don't know exactly how long, I think it was two years before he left.
Q Where did he go? A Up north.
Q To Kansas? A Yes sir.
Q Have you any idea how many years Moses lived in the Cherokee Nation after the war closed? A I don't know to tell the fact of it, I don't know.
Q Have you any idea how long he lived there? A No sir.
Q You don't know whether it was two or five or ten years? A No sir, I am not positive, I aint certain, I don't know.
Applicant's Attorney: Can you read or not? A No sir.
Q You remember the war don't you? A Yes sir, I was a married man before the war.
Q Do you know how long that war lasted? A No sir, I don't.
Q Do you know whether or not Moses Chambers lived in the Cherokee Nation while the war was going on? A Yes sir, he lived in the Cherokee Nation while the war was going on.
Q He did? A Yes sir, in the nation.
Q Do you remember when the war closed? A Yes sir.

Q Was he living in the Cherokee Nation at that time, at the time the war closed was Moses Chambers living in the Cherokee Nation? A Yes sir, he was in the nation when the war closed.
Q Did he live in the Indian Territory a long time after that before he went to Kansas? A He lived here but I don't know how long.
Q Was it a long time? A Yes sir.
Examiner: You stated that you left the Cherokee Nation during the war didn't you? A Yes sir.
Q And you also stated that you stayed down there until about a year after the close of the war didn't you? A Yes sir.
Q If you stayed down there a year after the close of the war and you stated that Moses was down there with you how could he be living up here? A My recollection comes and goes; I can't recollect anything good.
Q Don't you know as a matter of fact that Moses was not living in the Cherokee Nation when the war closed and don't you know he didn't come to the Cherokee Nation until some years after that? A It has been so long; a man asks me a question like that I make a mistake in statement and things, I won't be for certain.
Q Do you know when you came back to the nation? A I don't know what time it was.
Q Have you any idea how long it was after the war when you came back? A No sir.
Q You haven't any idea at all? A No sir.
Q Was the war over when you came back? A Yes sir.
Q How long had peace been declared? A I can't tell you that to tell the truth about it.
Q Were they still fighting when you came back? A No sir.
Q They quit fighting? A Yes sir.
Q Did Moses come back with you? A No, he didn't come with me when I came back; I came with Joe Chambers.
Q Have you any idea how long after you came that Moses came? A No sir.
Q As a matter of fact you don't know when Moses came back here? A No sir.
J.G.Starr: You left him in the Chickasaw Nation when you came? A Yes sir.
Applicant's attorney: You don't remember very well do you? A No sir.
Q Were you married to Moses's mother after the war or before, do you remember? A Yes, I think it was in the time of the war.
Q Was it after peace was declared that you married Moses's mother? A Yes sir.
Q Was Moses with you during the war? A He was down here when I lived down on Red River.
Q On what side of Red River? A On this side.
Q Was Moses living in the Cherokee Nation or Indian Territory, Cherokee Nation, during the war, any part of the war? A Yes sir, he was here when we came down on this side of the river when I married his mother.
Q Was that while the war was going on? A Yes sir.
J.G.Starr: You don't know when you got back yourself? A No sir, I don't know.
Applicant's attorney:
Louisa Chouteau, being sworn and examined, testified as follows:
Q What is your name? A Louisa Chouteau.
Q Did you testify here about four months ago, Granny? A Yes sir.
Q Did you testify here on us before? A I think I did.
Q Have you a son by the name of Moses Chambers? A Yes sir.
Q Where is Moses now? A He is sitting there.
Q Was that your son, Moses Chambers, that testified here to-day? A Yes sir, my own son, the only child I have got.
Q Are you a Cherokee? A Yes sir, nint anything else, I lived with the full-bloods.

11-Rose Chambers-

Q Where did you live during the war? A At Fort Gibson.
Q During the war? A Yes sir.
Q Were you married at that time? A Yes sir, I was married.
Q What was your husband's name? A Peter was his name, Peter Williams.
Q Is that Rose's father? A Yes sir.
Q Was he a Cherokee freedman? A Yes sir.
Q Was Rose living with you during the war? A Yes sir, he was living with me during the war.
Q Did you ever have Rose's name enrolled as a Cherokeefreedman? A Yes sir, we had it enrolled.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger

Subscribed and sworn to before me this 26th day of November, 1908.

B. O. Jones
Notary Public.

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COMMISSION TO FIVE TRIBES.

Cher.Fr.D-1126.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November18, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of MOSE CHAMBERS as a Cherokee Freedman.

Appearances:
Edward T. Riling, Attorney for applicant.
J. S. Davenport, Attorney for Cherokee Nation.

The applicant appeared in person.

The Attorney for the Cherokee Nation was notified by mail on on October 19, 1903, that a hearing would be had in this case on November18, 1903, at the office of the Commission at Muskogee Indian Territory, and that at that time and place he might appea and introduce such testimony as he might desire to rebut that offered by the applicant.

MOSE CHAMBERS, being first duly sworn, testified as follows in his own behalf:

BY COMMISSION: What is your name? A Mose Chambers.
Q How old are you? A I don't know exactly.
Q Were you born before the war? A yes sir.
Q How old were you when the war broke out? A I was about eight years old.
Q What is y our post office address? A Tahlequah.
Q Where do you live? A About three miles from town.
Q In what district do you live? A Tolequah District.
Q You live in the same district that Tahlequah is in? A yes sir.
Q Who was your father? A Peter Williams.
Q Who was your mother? A Here is my mother sitting right here.
Q Is your father living? A Yes sir.
Q Were you a slave of a Ch rokee citizen at the commencement of the rebellion? A Yes sir.
Q Who was your owner at te commencement of the war?
A Joe Chambers.
Q Was he a Cherokee citi zen? A yes sir.
Q Was he also your father's owner?
A No sir, he wasn't, Buffalo-head Williams was my father's owner.
Q Who was your mother's owner, if you know, at the commencement of the war? A Joe Chambers owned us all. She was -
Q Did you leave the Cherokee Nation during the rebellion?
A yes sir.
Q Where were you carried to? A On Red River.
Q Where is that, in what state? A Choctaw Nation. Carried down there by my owners.
Q When did you returnnt to the Cherokee Nation after the war?
A About a year after.
Q About a year after the war? A Yes sir.
Q Who returned with you? A A white man, I don't know what his name is now, I forget his name.
Q Who else? A Just him and his family.
Q Don't you remember his name? A I can't remember his name at all. I heard it but I disremember it.

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Q Do you remember the names of any of his family?
A I know their names, but it has been so long I have just forget the
Q No one else was with you at that time, except that man and his family? A That's all. I just came up with him andhis family.
Q Where did you come to when you returned to the Cherokee Nation?
A Fort Gibson.
Q Who did you find living there at that time, colored people?
A My mother, andaunts and uncles.
Q Give their names? A Hannah Ross, Lucy Foster, Lottie Vann, Sank Vann, Caleb Vann, Crow Vann, Steve Smith.
Q Now all those you name were colored people living there at the time you returned after the war? A yes sir.
Q You say your mother was living there at that time? A Yes sir.
Q Had she come back ahead of you? A Yes sir, she come back ahead of me.
Q Was your father living there at that time? A yes sir.
Q What year did you return to the Cherokee Nation after the war?
A '66. About a year after peace was made.
Q What time of the year was it you came to the Cherokee Nation after the war? A In the spring, I believe.
Q Wasit about corn planting time? A yes sir, along about that time, as near as I can remember.
Q In the spring of '66? A Yes sir.
Q How long did you stay at Fort Gibson at that time?
A Six years, I know of.
Q You livedthere continuously from the time you first returned, for a period of six years? A Yes sir.
Q Did you live in the town of Fort Gibson? A
A Yes sir, about a mile from town.
Q Where have you been living since that time? A Leavenworth,Kansas
Q How long did you live at Leavenworth? When did you first go there?
A I don't know just exactly what time I went.
Q About how long ago hasit been when you first went out of the Cherokee Nation to Kansas? No response.
Q How did it come that you went to Kansas? Were you sent to prison there? A Yes sir.
Q Do you remember about how long ago that has been?
A Somewhere about eighteen years.
Q How langdid you stay there? A Some little over eighteen years, I believe, as near as I can remember.
Q When did you get out? A I forget what day of the month it was.
Q What year? A Along in June.
Q This year? A Yes sir, June this year.
Q Have you lived in the Cherokee Nation all the time since you returned after the war, except during the time you were confined in the penitentiary at Fort Leavenworth'
A Yes sir, right square there.
Q Never been out of the Cherokee Nation except the time you were confined in the penitentiary? A yes sir, that's the only time.

MR. RILING: Mose, from the time that you came back from the Choctaw Nation to the Territory, did you remain here in the Cherokee Nation until you wentmto Kansas? A Yes sir.
Q You did? A yes sir.
Q Your master, as I understand, took you to the Choctaw Nation with him, did he? A yes sir.
Q Was that while the war was going on? A Yes sir.
Q Do you remember when the war was over? A Yes sir.
Q I understand you, kto say it was about a year from that time until you came to the Cherokee Nation? A yes sir.
Q Where did you come? A After I come back?
Q After you came back into the Territory, where did you come?
A Right to Fort Gibson all the time.

Q What did you say your father's name was? A Peter Williams.
Q Was Pet r Williams and Buffalo-head Williams one and the same person? A yes sir, his name was Williams, but they called him Buffalo-head.
Q You remember the war distinctly, do you? A Yes sir.

MR. DAVENPORT: Mose, where were you liv ng when the war b roke out?
A Liv ng out here beyond Tahlequah, at Parkhill.
Q With whom were you living? A Joe Chambers.
Q what plafe in Parkhill were you livingon?
A Th t is right south of Tahleq ah.
Q Give me the name of the place, just tell me the name of the place you say you were livingon? A Parkhill.
Q That old Murrell place? A Murrell lived right east, I lived -
Q When the war broke out, who was in charge of the place you was livingon? A Joe Chambers.
Q What Joe Chambers was that, old Uncle Joe Chambers, Teece Chambers' father? A Yes sir.
Q Is that the same Teece Chambers living at Claremore? A yes sir.
Q When the war broke out, did you live on the farm, Chambers' farm?
A yes sir.
Q Where did you go? A On Red River, in the Choctaw Nation.
Q What year did you go to the Red River country?
A I couldn't tell you exactly; while the war was going on; I couldn't tell you e xactly. I don't know what year.
Q How longdid you stay on Red River?
A I stayed until peace was declared.
Q Then what did you do? A Stayed there about a year, when peace was declared, about a year afterwards.
Q Now, did you come when Joe Chambers come?
A He came back ahead of me.
Q How long after he came until you came? A About a year.
Q You said a while ago that you had lived in the Cherokee Nation, and after you remained about six years, that you went to Leavenworth
A I did.
Q Now, you went to Leavenworth, didn't you?
A I don't know what time I went there.
Q The record would show what time you were sent to Leavenworth, wo ldn't it? A yes sir.
Q From what court did you go to Leavenworth?
A The main capital court house.
Q From what court were you sentenced? A In Leavenworth.
Q You was convicted in Leavenowrth? You didn't go there then, as a prisoner, when you went to Leavenworth? A No sir.
Q You moved to Leavenowrth? A No sir, my wife had some folks there
Q You had movedto Leavenworth, Kansas, before your conviction?
A No sir, not exactly, I just went on a visit with my wife's folks. Her mother was liv ng there.
Q Where did you first meet your wife? A Gibson.
Q What was her name? A Townsend.
Q Was she a free woman? A She was a stat e woman.
Q She wasn't a citizen? A No sir.
Q How long had you been back to the Cherokee Nation when you met your wife? A Met her there?
Q Yes. A I don't know just exactly how long I hadbeen in.
Q You and she were not married before the war? A No sir.
Q How long after she and you married until you went to Leavenworth?
A I can't just exactly remember, couldn't say.
Q You never lived in the Cherokee Nation but a very short while, if at all, before you went to Leavenworth? A Yes sir, I did.
Q Where was you living in 1880? A I was put on that 1880 roll at Gibson.
Q Are you on that 1880 roll? A Yes sir, I was put on there.

Q Do you know whether or nt you are on the 1896 roll?
A I don't know.
Q As a matter of fact, I want to be fair with you, you are not on the 1880 roll? A I don't know.

MR. RILING: He simply don't know. He is not on the roll.

MR. DAVENPORT: When you come back to the Cherokee Nation did you come back to the Chambers place and see any of the family?
A No, they had moved off on Verdigris when I come back.
Q They were living as near Gibson as when they were living at Parkhill? A Yes sir, they come in town once in a while.
Q How long after your return to the Cherokee Nation did you see old man Chambers, the man to whom you claimed you belonged, or any of his family? A I don't know exactly. They was in town - they come in town after I came back, a month or two or six months, I don't remember.
Q Have you seen any of them since you returned from Leavenworth?
A yes sir.
Q Have you had Tecee Chambers - speak to him anything about testifying as seeing you, as to when you returned to the Cherokee nation after the war? A Yes sir, he knows me, and knows I belonged to him.
Q Have you tried to get him to testify in this case? A No sir.
Q You haven't made any application for him to come and testify in this case, have you? A No sir.
Q How old were you when the war broke out? A I think about eight years old, as near as I can remember. I was quite small, I know that.
Q How long did you live in Kansas before you went to the Penitentiary? A I couldn't tell.
Q How many children had you had born up there before you wen t to the penitentiary? A Two.
Q You had livedthere long enough to have two children to be born there? A Yes sir.
Q You had three children born up there, didn't you Mose?
A Yes sir, I believe it was.
Q That is what the record shows. You had lived in Leavenworth something like seven or eighter ten years before you went to the penitentiary in 1884? A No sir, I don't think so.
Q You had raised three children. It was '84 you went to the penitentiary, wasn't it? A I don't know exactly.
Q How long did you stay there? A Something about , I couldn't exactly say, something about eighteen years I guess. I don't know. I can't read, of course, and can't remember.
Q You got out last spring, came back last spring? A Yes sir.

BY COMMISSION: You say you lived in the Cherokee Nation a while after your return from the Choctaw Nation after the war, then went to Leavenworth and livedthere long enough to have three children born in the family before you were sent to the penitentiary. When you went up there to Leavenworth, did you move your property with you?
A No sir, myself and my wife.
Q Did you have any property here at that time?
A Had a hog or two.
Q You had household furniture and things of that kind?
A No sir, didn't take an ything at all.
Q Did you leave your property here in the Cherokee Nation?
A Yes sir.
Q Where did you leave it? A With my mother, what there was.

Q During the time you were livingup there in Leavenworth, before you were sent to prison, did you ever vote there in Kansas?
A I think I did vote one vote there.
Q What place? A On Salt Creek Valley.
Q What kind of an election was that, did you vote for president up there? A yes sir.
Q Did you ever vote any more after that? A No sir.
Q When was the last time you voted in the Cherokee Nation, if you ever voted here? A I really don't know. I haven't voted any since I come back, that I know of.
Q Prior to the time you left here and went to Leavenworth, had you voted any in the Cherokee Nation? A Yes sir, voted here /
Q What district? A I think it was - I am sure I don't just exactly remember.
Q Do you remember whether you voted at all in the Cherokee Nation or not? A Seems to me I did, but I just won't recall whether it was voting or what it was for, for chief I think.
Q You are not positive? A No, I am not positive. I don't just remember, but I think they was voting for Bill Ross for Chief.
Q You spoke of leaving property with your mother when you went to Leavenworth, what property did you leave with her?
A A sow, and she had pigs, ready for pigs.
Q Anything else? A No sir, just owned by mother.
Q That is all the property you left with her, the sow and pigs?
A Yes sir.
Q Did you give them to your mother? A They were here.

MR. RILLING: Mose, can you read and write? A No sir, a man has to be pretty good to keep anythingin his head.
Q Did you draw any money from the Cherokee Nation? A I did.
Q What did they call it? A Bread money.
Q How much did you get? A Ten dollars.
Q Where did you draw this money? A Fort Gibson.

MR. DAVENPORT: When wasthat, Mose? A It was the first money we drawed.
Q When was it? A I don't know exactly when it was. I know I was put on the 1880 roll there, and it must have been in 1880. I don't know exactly the date of the month.
Q You had three children born in Leavenworth before you went to the penitentiary? A I drawed that money.
Q Didn't you? You didn answer you had three children? A Yes sir.
Q The bread money payment was in 1888, three years after you went to the penitentiary? Don't you know you wasn't livingthere at that time?
A I get the money there.
Q You said a while ago you voted for Bill Ross ?
A I said I wasn't sure.
Q Was Bill Ross ever elected Chief of the Cherokees by the people?
A I don't know, he was running for chief. They call him chief though.
Q Did you ever see Chief John Ross after you came back here after the war? A No sir, I suppose he is dead now.
Q I mean when you returned after the war closed? A Oh yes, I saw him, the chief I am talking about lived at Gibson.
Q Iam talking to you about Chief John Ross? Was John Ross chief, or Bill Ross? A I don't know which one was.
Q Listen to me now. Chief John Ross lived at Parkhill, and Chief William P. Ross lived at Fort Gibson. Which one was Chief when you returned from the Choctaw Nation?
A The one that lived at Fort Gibson.
Q That's W. P. Ross? A Yes sir.

MR. RILING: When did you see Tecbe Chambers last?
A It has been about pretty near a month.
Q Where did you see him? A Claremore.
Q Did you talk to him? A Yes sir.
Q What did you say to him? A We was talking about some land then, getting some land.
Q What did you say to him, did you ask him to come down here to the Commission and testify for you? A No sir.

LOUISA CHOUTEAU, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Louisa Chouteau.
Q How old are you? A I don't know.
Q You were born a good many years before the war?
A I was born in the old nation.
Q What is your post office address? A Tahlequah.
Q Do you know the applicant, Mose Chambers? A Yes sir, I know him.
Q What relation is he to you? A He is my son.
Q When did you first see your son Mose after the war?
A I seen him about a year after the war, he come home.
Q Where were you living when he come home? A Fort Gibson.
Q Who else was living there near you at that time?
A My grandchildren, my old man, Sam Chouteau, and all my grandchildren.
Q Who else was living near you, colored people?
A A heap of colored folks living there, Ben Greenleaf and Dan Vann and his family.
Q Do you remember the time when Mose got back from the Choctaw Nation after the war? A Yes sir, I remember the time.
Q What time of the year was it, in the fall, summer or spring?
A I think it was in the spring.
Q Which was it? A It was in the spring, I think, that he come back
Q Do you know who he came back with? A I don't know, unless he came back with some people, I don't know who he came back with.
Q Did he come to see you when he got back?
A Yes sir, come right there and stayed there.
Q Did he stay there with you for some time? A Yes sir.
Q How long did he stay with you after he came back from the Choctaw Nation? A I don't know, a good many years, couldn't tell ya that, he stayed there a long time.
Q About how old was he when he came back that time?
A He was a young man then.
Q Grown? A Yes sir, pretty near grown, I thought he was.
Q What makes you think it was in the spring of the year when he came back? A Because we was working in the field. You know we farms in the spring, don't you?
Q What were the farmers doing then? A Cleaning the ground up.
Q Were they plating? A Wasn't planting yet.
Q Was it cold? A It was in the mornings and evenings.
Q What year was that when Mose came back after the war?
A December, or something.
Q What year was it? A No response.

MR. RILING: Do you know? A No sir.

BY COMMISSION: Do you know what year this is? A No sir, I don't know.
Q Do you know what year peace was made? A I don't know. I don't know anything about it. Don't pay any attention to the years and months.

Q How long did Mose live there with you when he came back after the war? A He lived there, I couldn't tell you how many years. He never went anywheres, just stayed there.
Q Do you remember when he went to Leavenworth? A Yes sir. I don't know what day it was, but he went off from home there. I don't know what day of the month it was.
Q Were there soldiers at Fort Gibson when Mose got back after the war? A They hadn't ever gone off yet.

Mr. Davenport: They never left there until 1890.

Q How longdo you think that was afterthe war?
A A year or two after the war.
Q You couldn't state positively just how longit was after the war, could you? A No sir, I haven't got a good remembrance, I can't tell you exactly what time it was.

MR. RILING: Do you remember when peace was declared?
A Yes sir, I know when peace was declared.
Q About how long after that time was it,when peace was declared, how long after that when Mose came home? A About a week, I reckon.
Q Did you understand what I meant? After peace was declared, about how long was it before Mose Came home to you at Fort Gibson from Red River? A About a week.
Q Did you come ahead of Mose? A Yes sir, Mose came afterwards.
Q How long after? A About a year, I think.
Q Do you remember the treaty of 1866, that treaty soon after the war, when they were talking about giving the Cherokee freedmen lands and money same as Cherokees? A Yes sir.
Q Was Mose living with you at that time?
A He was living then with me at that time?
Q Where? A Fort Gibson.

MR. DAVENPORT: Did you go down to Red River where Mose went during the war? A We came back, didn't stay there no time.
Q Did you go to the same place Mose went? A Yes sir, we was all there, just stayedthere until we came back.
Q You came back with him? A With them Chamberses, Joe Chambers and his family.
Q You stopped at Fort Gibson when you came back, and they went on up? A They tried to get me to go up there, but I wouldn't go.
Q You had been back from Red River about a year when Mose came, I believe you say? A yes sir.
Q Joe Chambers' family had returned when you came?
A yes sir, I come with them.

BY COMMISSION: Did you come before the treaty of 1866 was made?
A Yes sir, come back a month and a half before it was made.
Q How long before? A About a month and a half beforethe treaty.
Q How long after you come did Mose come? A About a year.

MR. RILING: You rememberthat Mose was living with you?

Mr. Davenport: Objectedto as leading the witness.

Mr. Riling: She has said it is true, I just simply wanted her to say it once more.

MR. RILING: Was Mose living with you when the treaty of 1866 was made
A Yes sir, all the time, never went anywhere.

Q He was living with you at the time the treaty was made, was he?
A Yes sir.
Q At Fort Gibson? A Yes sir.

Mr. Davenport: I object to the three last questions and answers, because they are both leading and suggestive.

Mr. Riling: The Attorney for the applicant moves for a continuance of this case, for the reason that the said applicant believes that he can within a reasonable time produce further evidence to prove that he was in the Cherokee Nation prior to the treaty of June 19, 1866, and that he remained in the Cherokee Nation for many years thereafter; and for the further reason that Louisa Choutean, the mother of the applicant, did not receive notice that said hearing was set for November 12, 1903.

Mr. Davenport: The Cherokee Nation raises no objection to a continuance.

Cause continued until December 10, 1903.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 23rd day of November, 1903.

Charles F. Lawyer
Notary Public.

Cher. Fr. D-1126.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 10, 1903.

SUPPLEMENTAL PROCEEDINGS AND TESTIMONY in the matter of the application of Mose Chambers for enrollment as a Cherokee Freedman.

It appears that on November 18, 1903, this case was continued until December 10, 1903, for further hearing; and the case being now called the following proceedings were had therein:

APPEARANCES:
Applicant did not appear either in person or by attorney.
Cherokee Nation by attorney J. S. Davenport.

TEESEY CHAMBERS, being first duly sworn, testified as follows:

BY COMMISSION: State your name? A Teesey Chambers.
Q What is your age? A 48 years.
Q What is your postoffice address? A Claremore, I. T.

BY MR. DAVENPORT:

Q What was your father's name? A Joe Chambers.
Q Your mother's name? A Nancy Jane Chambers.
Q Were you living with your father and mother at the breaking out of the war? A Yes sir.
Q Did your family remain in the Cherokee Nation during the war?
A They went south.
Q Did your parents own any slaves at the breaking out of the war?
A Yes sir.
Q You remember their names? A Ann, Louisa, Mose, Rose and Jack.
Q Did these slaves go south with your family during the war?
A Yes sir.
Q About how old was Mose at the time the war broke out, Mr. Chambers? A He must have been about 11 or 12 years old, I guess, some four or five years older than I was.
Q When did your family return to the Cherokee Nation after the close of the war? A In '66 about the last of November, probably it was in December to the best of my knowledge.
Q It was in that fall? A Yes, sir, '66.
Q Did Louisa Chambers and Mose come back with the family? A Louisa did, but Mose did not.
Q When after that , do you know, did Mose return? A I do not know when.
Q When did you see him after that time again? A About, I expect, about two months ago up at Claremore.
Q You never seen him, then, from the time you left him south after the close of the war until you saw him then? A No sir.
Q Did you ever hear anything about his return? A I did not know when he came back.
Q And your family did not come back until November or December, '66, and he left in the south? A He left us in the Choctaw Nation; I did not--
Q And you people then came back to the Cherokee Nation, did you come back to the same place? A We crossed the river right down here just

(1)

above the mouth of Grand river and went out to the Verdigris. We did not go back to the same old place.
Q You have lived in the country since that time? A Yes sir.
Q And you have mov or heard of him living or being in the Cherokee Nation since that time until about two months ago? A I have heard of him passing, but I do not know how long.
Q Do you know how long it was after you come back? A No sir.
Q Right away? A Some little bit.

BY THE COMMISSION:

Q You say that the mother of Mose Chambers, that is, Louisa Choteau, returned with you when you came back in December, 1866? A Louisa Choteau and Sam Choteau we left right over here across the River, just above Gibson, in the Cherokee Nation, and we went out to the Verdigris near Claremore.
Q Is that Louisa Choteau still living? A She was a short time ago.
Q And Sam Choteau? A Yes, sir, they did live near Tahlequah; I guess they do yet.
Q About how old would she be now? A Louisa Choteau, she must be right about 80.
Q How old was her husband, about? A Not as old as she is; he is 60 some odd, I guess.
Q Mose Chambers did not return with your family when you came back in December, 1866? A No, sir.
Q And you do not know when he returned to the Cherokee Nation after the war? A No, sir.
Q You say the last you saw of him when you, just before the return, was when you left him in the Choctaw Nation? A He left us in the Choctaw Nation; I dont not know where he went; just before the close of the war.
Q When did you next see him? A About two months ago, at Claremore, he came to my place. The first time I saw him was at a neighbor's house, adjoining my place, and he was at my place afterward.
Q This Louisa Choteau, did she belong to your folks? A To my mother.
Q Did Sam Choteau belong to your folks? A No, sir, he belonged to a man by the name of Choteau, I think.
Q How long did Louisa and Sam Choteau stay up there in the Cherokee Nation after they returned with your family in 1866? A They have lived in the Cherokee Nation ever since; I guess so, I have never heard of them moving out.

H. M. Vance, being first duly sworn, states that as stenographer to the commission to the five Civilized Tribes he reported the proceedings in the above case and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 11th day of December, 1903.

Charles H Lawyer

Notary Public.

Cherokee Freedmen D-1126.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Moses Chambers as a Cherokee Freedman.

DECISION.

It appears from the record herein that Louisa Chotean appeared before the Commission at Muskogee, Indian Territory, on June 28, 1902, and made application for the enrollment of her son, Moses Chambers, as a Cherokee freedman. It appears that the said Moses Chambers was at that time incarcerated in the Kansas State penitentiary and unable to personally appear before the Commission.

The evidence shows that the applicant, Moses Chambers, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 5, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It does not appear that the name of the applicant is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Moses Chambers as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Proctor
Commissioner.

W. E. Hurley
Commissioner.

Muskogee, Indian Territory,
this MAR - 5 1907

Murbger 23 7/11/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Moses Schamberg

for enrollment as a Freedman *of the Cherokee Nation.*

Edw. T. Tiling
Atty for applicant

Cherokee Freed *No.* 1126

Cherokee D-1126

Muskogee, Indian Territory, July 16, 1902.

Edward T. Riling,

Attorney for Rose Chambers,

Lawrence, Kansas,

Dear Sir:

There is enclosed you herewith copy of testimony taken June 28, 1902, in the matter of the application for the enrollment as Cherokee Freedman of Rose Chambers.

Please sign and return to the Commission the enclosed receipt for testimony.

Yours truly,

Acting Chairman.

Encl. R-71.

C/[illegible]

Washington, [illegible] August [illegible], 1942.

Board of Review,

Attorney at Law,

Lawrence, Kansas.

Gentlemen:

The Commission is in receipt of your letter under date of August 8, 1942, requesting a continuance of ninty days from August 25, 1942, for the purpose of introducing additional evidence in the matter of your application for the enrollment of Rose Chambers as a Cherokee Freedman.

The record in this case shows that on June 26, 1942, you were granted ninty days in which to present further evidence as to the right of said Chambers to enrollment as a Freedman.

It is not usual for the Commission to grant more than one continuance for the procurement of absent witnesses, unless a proper showing is made. The application which you now make for continuance does not state sufficient grounds to warrant favorable consideration, and you are advised that it should be supported by an affidavit showing:

(a) That one or more of the witnesses in his behalf is absent without his procurement or consent.
(b) The name and residence of such absent than witness.
(c) The facts to which they would testify if present.
(d) The materiality of the evidence.
(e) The exercise of proper diligence to secure the attendance of absent witnesses.
(f) That affiant believes such witnesses can be had at

[illegible]

[illegible]

Yours Sincerely,

[illegible]

JUL 30 1903
FILED
COMMISSION TO THE HAE CLAIMS LIBRARY
TESTIMONY OF THE CLAIMANT

COPY.

Cherokee I. T.-1196.

Muskogee, Indian Territory, August 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith, for your information, a copy of an order granting a continuance in the case of Mose Chambers, an applicant for enrollment as a Cherokee freedman.

You will observe that said cause has been set down for further hearing at the office of the Commission at Muskogee, Indian Territory, on the 27th day of October, 1902.

Yours truly,

Tams Bixby,

Acting Chairman.

Enc. C. Enc. 8.

COMMISSION TO THE FIVE CIVILIZED
FILED
AUG 29 1902

COPY.

Cherokee D. [illegible]

Muskogee, Indian Territory, August 24, 1902.

Edward T. Riling,

Attorney for Rose Chambers,

Lawrence, Kansas.

Dear Sir:

Enclosed herewith please find copy of an order granting your motion for a continuance in the case of Rose Chambers, an applicant for enrollment as a Cherokee Freedman.

You will observe that this cause has been set down for further hearing at the office of the Commission at Muskogee, Indian Territory, on the 27th day of October, 1902.

Yours truly,

Tams Bixby,

Acting Chairman.

1 Enc. C.

Register.

Cherokee F.D.-1136

Muskogee, Indian Territory, November 13, 1902.

Edward T. Riling,

Attorney for Reese Chambers,

Lawrence, Kansas.

Dear Sir:-

The Commission is in receipt of your letter of November 10, enclosing commutations of sentence of Reese Chambers, signed by Governor W. E. Stanley of Kansas.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. E-16

Cherokee Freedman
D-1126.

Muskogee, Indian Territory, October 17, 1903.

Edward T. Billing,
Attorney for Moses Chambers,
Lawrence, Kansas.

Dear Sir:

In the matter of the application for the enrollment of Moses Chambers as a Cherokee freedman, you are advised that before a decision can be prepared in his case, further testimony is required as to whether he returned to the Cherokee Nation within the time specified in the treaty of 1866.

The applicant has therefore been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

704

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-1126.

Muskogee, Indian Territory, October 17, 1903.

Louisa Choteau,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of your son, Moze Chambers, as a Cherokee freedman, you are advised that before a decision can be prepared in his case, further testimony is required as to whether he returned to the Cherokee Nation within the time specified in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

COPY.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKINBRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-1126.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 28, 1903.

Edward T. Riling,
Attorney for Mose Chambers,
Lawrence, Kansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 23, asking that the case of Mose Chambers, Cherokee freedmen D 1126, which has been set for further hearing at Muskogee on November 18, be continued until January 18, 1904, stating that this will be a great accommodation to you as you will be very busy during the months of November and December.

In reply you are advised that the Commission does not consider that sufficient grounds have been alleged for a continuance, and inasmuch as the applicant and the Cherokee Nation have been notified that this case has been set for hearing on November 18, 1903, the Commission cannot undertake to grant the continuance asked for.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Cherokee Freedmen
D-1126.

Muskogee, Indian Territory, January 13, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the supplemental testimony taken before the Commission, at its offices in Muskogee, Indian Territory, on December 10, 1903, in Cherokee freedmen D 1126, Moss Chambers.

Respectfully,

Enc. D-52.

Chairman.

Edward T. Riling,

Lawrence, Kansas.

Dear Sir:

In accordance with the request contained in your letter of December 26, 1903, there is herewith enclosed a copy of the testimony taken at the last hearing in Cherokee R 1126, Rose Chambers, together with blank form of receipt for same, which you are requested to sign and return to the Commission.

In reply to your inquiry as to when a decision will be rendered in this case, you are advised that the Commission is unable to state just when the case will be acted upon. When a decision has been rendered however, you will be furnished with a copy.

Respectfully,

Enc. D-51

Chairman.

COPY

Cherokee Freedman
D 1126

Muskogee, Indian Territory, March 24, 1904.

Mose Chambers,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edw. T. Riling, Lawrence, Kansas, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Encl. V-34

Registered.

COPY

Cherokee freedmen
S 1126

Muskogee, Indian Territory, March 24, 1904.

Edw. T. Billing,
Attorney for Rose Chambers,
Lawrence, Kansas.

Dear Sir:

There is herewith inclosed a copy of the supplemental proceedings had in the matter of the application of Rose Chambers for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 5, 1904, rejecting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Encl. V-35
Registered.

COPY.

Cherokee Freedmen
B 1128

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of Ross Chambers for the enrollment of himself as a Cherokee Freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Encl. V-36

Commissioner in Charge.

COPY.

Cherokee Freedman
D 1124

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Rose Chambers for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. V-37

Through the

Commissioner of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 26, 1904.

Land
20635-1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated March 24, 1904, transmitting the record of the application of Mose Chambers for enrollment as a Cherokee freedmen.

March 5, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the said war he left the Cherokee Nation and did not return thereto and establish a residence therein on or before February 11, 1867.

The name of the applicant is not identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

MMM
C

WCF
JP
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 18831-1904. June 3, 1904.

I.T.D. 4536-1904,
LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application for the enrollment of Mose Chambers (F.D-1126), as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter May 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Signed Thos Ryan,
Acting Secretary.

1 inclosure.

Cherokee Freedman
D. 1,[illegible]

Muskogee, Indian Territory, June 14, 1904.

Mr. T. Billing,
Attorney for Rosa Chambers,
Lawrence, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1904, rejecting the application for the enrollment of Rose Chambers as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 1.26

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Rose Chambers as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

1127

COMMISSIONERS
TAAF BIXBY,
TAMES B. NEEDLES,
A. BROCKENBRIDGE,
WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
B 1148

Muskogee, Indian Territory, June 14, 1904.

Rose Chambers,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 1908.

Post Office Ft. Leavenworth, Kas.

District

50/

1. Name Mose Chambers. Age

Owner's name Joe Chambers Citizenship Cherokee

Year N. & S. Page 114 No. 2830 District Tahlequah.

Parents:

Father Peter Williams Citizenship Freedmen

Mother Louisa Chotean Citizenship "

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Doubtful

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Cherokee
~~Freedmen~~
~~1896~~
~~1899~~

Moses Chambers,
Tahlequah, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
OCT 4 P
1899

[illegible], $200.

Louisa Chateau,
Tahlequah, Indian Territory.

RETURN TO
WRONG
UNCLAIMED

C F B 1176
Cherokee

Cher. Fr. R. 380

Cher. Fr. R. 380

JUL 18 1901
LIFED
CONNECTED THE LINE CHARTISED PURSE

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Sandy Ross for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Sandy Ross.
Q How old are you? A I guess I must be about 75 I guess.
Q What is your post-office? A Hudson.
Q What district do you live in? A Goowesscoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Is your name on the roll of 1880? A No sir, not as I know of.
Q Have you any witnesses here? A Yes sir.
Q Who are they? A Amy Bean, Dave Martin and Rose Hardrick.
Q Is your name on any of the rolls of the Cherokee nation? A Not as I know of.
Q Did you ever draw any money at all? A No sir.
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Lewis Ross.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation during the Civil war? A Yes sir.
Q Where did they take you? A Carried me up North, went out with the soldiers.
Q When did you come back? A '66.
Q Come back here in the year 1866? A Yes sir.
Q You been living here ever since? A Yes sir.
Q Why is your name not on the roll of 1880? A I don't know.
Q Did you ever apply to the Cherokee authorities to be enrolled? A No sir.
Q Never did? A No sir.
Q Did you ever apply to the Kern-Clifton Commission? A Not until the Wallace roll.
Q Never tried to get your Strip money? A No sir.
Q Didn't go to the Kern-Clifton court? A No sir, I didn't go to it in time, it was in session.
Q Did you go to the Wallace court? A Yes sir.
Q Did they pay you there? A No sir, they said they couldn't find the name.
Q You came back to the Cherokee Nation in '66? A Yes sir.
Q You been back here all the time since that? A Yes sir.
Q Never lived out of it? A No sir.
Of course I was travelling out sometimes.
Q Are you married? A No sir.
Q Were you ever married? A Yes sir.
Q Have you got any children? A My wife what I had died, the boy is here, he is a man, he attends to his own business.
Q Your wife is dead? A Yes sir.
Q What was her name? A She was named Becky Ross.
Q Was she a slave? A Yes sir.
Q She belonged to Lewis Ross too? A Yes sir.
Q Were you married before the war? A Yes sir, just a little before the war.
Q Did your wife go out with you? A Yes sir.
Q Come back with you? A Yes sir.
Q How long has she been dead? A I don't know exactly.
Q How many children did you and her have? A Two.
Q Were they born in Kansas? A One was, when we first went out.
Q What was his name? A William.
Q Is he living? A Yes sir, he is living.
Q What is the other's name? A He is named James.
Q Is he living? A No sir, he is dead.
Q He was born in the Cherokee Nation? A Yes sir, on Pryor's Creek,

Q How old is he? A I don't know.
Q How old would he be now? A I don't know.
Q Would he be grown by this time if he was living? A He might have been, I couldn't tell you.
Q Had you got backs re when Mr. Wallace started to make that roll?
A Yes sir, I was always here in the nation.
Q Were you here before that court? A Was I at the court?
Q Yes? A Yes sir.
Q How long had you been here then? A That I don't know how long, I have been in the Nation here most all the time.
Q Had you been here a year? A Yes.
Q About how long? A I couldn't tell you.
Q What year did Mr. Wallace make the roll? A I don't know, I can't keep the dates.
Q What year did the Kern-Clifton Commission sit around to make a roll? A I don't know that.
Q You don't know one year from another? A I didn't have no education to know dates.
Q You don't know one year from another? A I know it when I hear it.
Q What year is this? A I don't know what year it is.
Q Where were you married to your wife? A On my master's place on Grand river here.
Q When the soldiers went out you went out with them? A Yes sir.
Q Becky went too? A Yes sir.
Q What place in Kansas did you go to? A Went on through up about Neosho Falls and al up and down there.
Q Did you farm up there? A No, I didn't farm.
Q What did you do for a living up there? A Worked around little day's work.
Q In town? A Until I went in the army.
Q After the army though, what did you do? A I come down here.
Q But you didn't apply to the Kerns-Clifton Commission for enrollment for the Strip money? A No sir, I didn't apply to them.
Q Where were you living then? A I was down in here to.
Q What place? A I didn't go to, I didn't have no particular place, I was just living about.
Q Where did your wife die? A We and her parted.
Q Where was she when she died? A I say we parted.
Q Where was she when she died? A I wasn't with her when she died, they said she died in ~~the Nation~~ a town here they called McAlester.
Q Were you living down there? A No sir.
Q Never lived with her down there? A No sir, couldn't live with her when we was parted.
Q When you first came here after the war where did you live? A I stopped down here on the Clem Vann place.
Q On what side of the river? A On this side.
Q Who was living there? A John Grass.
Q You knew him did you? A Yes sir, he was Sheriff.
Q You had your wife with you then? A Yes sir.
Q He was sheriff was he when you got there? A Yes sir, and some stopped at Tom Rider's place at the foot of the hill, but I rented from John Grass and made a crop.
Q How long did you get there before you made a crop? A I got there in time to put in a crop.
Q In the spring of the year? A When I come it was in the spring, and I had to go to work to make something to eat.
Q How long did you live on John Grass' place? A I made a crop.
Q Did you just live there one year? A Yes, I stayed there until in the fall.
Q Then where did you go? A I moved up on Pryor Creek to Horseshoe Bend they call it.

Q On whose place? A On Nobody's place, mine when I went on it, there wasn't nobody living there.
Q Was there a place there? A I told you there was no one living there.
Q Was it an old place? A I don't know as anybody ever farmed there.
Q New place? A Yes sir.
Q Who were your neighbors up there? A Uncle Bill Loody, Jonas Ragsdale and Ellis Johnson and Ben Foreman.
Q Where did you go from there? A Well we stayed there until- I wintered one winter there, up there, I stayed there until spring, and we all built there.
Q How long did you stay on that place? A Well, give me a little time and I will tell you, I ~~xxxxxx~~ said we stayed there until in the spring and then that place overflowed so we all just banded and went away from it and left it.
Q Where did you move to? A I just quit the place and me and my wife was parted and I just broke up housekeeping.
Q Where did you go? A I went about among my neighbors and worked and lived among them around.
Q Where did you go to your neighbors ? A I worked for Henry Melton and helped him with his crop.
Q How long did you stay there? A I don't know, maybe stayed there a month or two.
Q Then you went back to Kansas? A No I didn't.
Q Where did you go? A In the Nation here, and then after I left Spring Creek I went to Pt. Gibson; first I went to work formy old boss on my old place where I lived.
Q Lewis Ross? A Yes sir, and after I quit working for him I went to Pt. Gibson and hired out there and that's where I stayed and worked for several years; worked for Ross down there.
Q where did you go from Pt. Gibson? A I then I come back and I worked up there up on Spring Creek, and I come back up on the rter there in the Lynch Settlement.
Q Where have you been living for the last 10 years? A Just living by myself, living around these places I tell you.
Q Well all I mean the last 10 years, the last few years, where you living now? A Living here.
Q At this place? A Yes sir.
Q At whose house? A Living no particular house, I go around among the folks here, I haven't got no family.
Q Don't you make any place head-quarters? A No, no particular.
Q Where did you first see Amy Bean, after the war? A Down here on the river; I worked for her; went there where uncle Fred was living down on the river.
Q Where were they living? A On the McNair place, ~~xxx~~ on this side of the river.
Q That's where you were living, on the John Grass place? A Yes sir after I quit working there.
Q That in the summer time? A Yes sir.
Q Before you laid by your crop? A Yes sir.
Q You know what year you came down there on the John Grass place? A What year?
Q Yes? A '66.
Q Had the treaty been made when you came there? A No sir, but it was made after I was here, I was living down there then.

AMYBEAN, being sworn by Commissioner Needles, and examined by him, testified as follows:

Q What is your name? A Amy Bean.
Q What is your age? A 45.

Q What is your post-office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q You know Sandy Ross, the applicant? A Yes sir.
Q How long have you known him? A All my life, ever since I could remember anybody.
Q You know whether he was a slave or not? A Yes sir, his former owner was Lewis Ross, but at the breaking out of the war he lived with William P. Ross.
Q Was he taken out of the Cherokee Nation during the war? A Yes sir he went to Kansas.
Q You know when he returned? A Yes sir.
Q When? A '66.
Q How do you know? A He come to Pt. Gibson where we were living.
Q You know where he has lived since that? A I know where he lived up until '72.
Q Where did he live up until '72? A He lived on Pryor Creek awhile and Pt. Gibson awhile and Spring Creek awhile and on Grand river.
Q You don't know where he has been since '72? A No sir, I have seen him two or three times since that.

BY MR. HASTINGS, Cherokee Rep've:

Q Where did you see him since? A At Vinita.
Q When? A It has been 4 or 5 years ago.
Q You don't know where he came from there? A No sir.
Q You don't know where he was living then? A No sir.
Q Next time you saw him here? A No sir, I saw him twice in Vinita since that time.
Q 4 or 5 years ago? A Yes sir.
Q And you hadn't seen him since '72 up to that time? A I had seen him once before that time.
Q You remember about what time? A No sir, but I had seen him once before that time.
Q Were you living at Pt. Gibson when you saw him first after the war? A Yes sir.
Q Come to your house there at Pt. Gibson? A Yes sir.
Q Where was he living then? A Up on Pryor Creek.
Q Was his wife with him? A Yes sir.
Q What was her name? A Becky.
Q You remembered him before the war? A Yes sir, we belonged to the same man before the war, we were living right together, belonged to the same man, William P. Ross.
Q You are 45 years of age? A Yes sir.
Q And you remember him before the war? A Yes sir, I remember him at the breaking out of the war.
Q What did you say his wife's name was? A Becky.
Q Did they have any children? A Yes sir, they had 2.
Q Before the war? A No sir.
Q Did they have 2 when they came back down there? A Yes sir, believe they did, one was named William and one died, been dead for years.
Q What was the other one named? A Jimmie.
Q About how old was Jimmie when you first saw them? A He was a baby.

MOSE HARDRICK, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Mose Hardrick.
Q How old are you? A 71.
Q What is your post-office address? A Chelsea.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know Sandy Ross, the applicant? A Yes sir.
Q How long have you known him? A Ever since I could recollect.
Q You know whether he was a slave or not? A Yes sir.

Q To whom did he belong? A Lewis Ross, one Indian.
Q Do you know whether he was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Went to Ft. Scott, Kansas.
Q How do you know? A Because he was with me.
Q You know whenhe returned? A No sir.
Q When did you first see him after the war? A Saw him in '68.
Q Where? A I was going down to old Salina down here to make salt and seen him.
Q Have you seen him frequently since that time? A Yes sir.
Q Has he been living in the Cherokee Nation to the best of your knowledge since that time? A Yes sir.
Q Where was he in the year '66? A That's when I said I didn't see him.

BY MR. HASTINGS:

Q Where did you see him in '68? A Down here in the road as I was going to the old Salina Works.
Q Just in the road? A Yes sir, I met him in the road, I was going to make salt and he was coming up the military road.
Q Did he have a wife? A Yes sir, Becky.
Q Did you see her then? A No sir, she wasn't with him.
Q You don't know where she was? A No sir.
Q You know where he was living at that time? A He said he was living on Pryor Creek.
Q How long after that until you saw him again? A I don't know how many years it was, I never kept no account of it.
Q Good while? A Yes sir, right smart while.
Q About how long, to the best of your judgment? A I guess between two and three years.
Q Where is he living now? A That's what I don't know.
Q How long since you saw him until you saw him here? A Oh I have been seeing him often and on, I saw him last fall.
Q Where did you see him? A Vinita.
Q When did you see him before that? A Well I don't know, I never kept no record of it, I never thought about it, just see him.
Q You don't know where he wasliving when you saw him at Vinita?
A No sir.
Q And you don't remember how long before that since you saw him?
A No sir.
Q Been a good while? A I tell you I don't remember.
Q You know where his wife died? A No sir, I don't.
Q Did you see him during this Kerns-Clifton enrollment? A Yes sir.
Q Where was he? A He was over at the enrollment.
Q At what point? A On Lightning Creek.
Q How long since you had seen him before that? A I don't know.
Q How many years, your best judgment? A I couldn't tell you, I never kept no record of it.
Q Had it been a good while since you had seen him? A I told you a good while.

BY MR. L.B.NEELL, Cherokee Rep've:

Q Where were you and him living when the war broke out? A Down here at the Asylum.
Q Right with Lewis Ross? A Yes sir.
Q Both belonged to him? A Yes sir. Both belonged to him and was raised by him.
Q And you went out together? A Yes sir, we was taken out together.

BY COM'R NEEDLES:

Q But you don't know whenhe go back? A No sir.

DAVID MARTIN, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A David Martin.
Q How old are you? A 64.

Q What is your post-office address? A Coffeyville.
Q You are a Cherokee Freedman? A Yes sir.
Q You know the applicant, Sandy Ross? A Yes sir.
Q How long have you known him? A Knowed him ever since I knowed myself.
Q Was he a slave to your knowledge? A Yes sir.
Q Who did he belong to? A Lewis Ross.
Q Lewis Ross a Cherokee by blood? A Yes sir.
Q You know whether Sandy was taken out of the nation during the war? A I don't know to my knowledge. Only heard it, I never seen him.
Q Where did you see him after the war? A Seen him here in the Nation.
Q When? A I have been seeing him ever since.
Q Where was the first time you saw him after the war? A I saw him in '73 and '74, that's the first time.
Q You don't know where he was in 18 66? A No sir, I don't.
Q Have you seen him continually since that time? A Off and on all the time.
Q You think he has lived in the Cherokee Nation since that? A Yes sir, he has been to my house and visited me, stayed weeks at a time.
BY MR.HASTINGS:
Q Where does he live now? A I don't know as he lives anywhere, just around with his children.
BY COM'R NEEDLES:
Q Got no family, just an old man, travelling around? A Yes sir.

L.D.DANIELS, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A L.D.Daniels.
Q How old are you? A 56.
Q What is your postoffice address? A Claremore.
Q Have you been before this Commission before, this session? A Yes sir.
Q Do you know the applicant, Sandy Ross? A Yes sir.
Q How long have you known him? A I got acquainted with him in '66.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A Lewis Ross.
Q You know whether he went out of the Cherokee Nation during the war? A Yes sir.
Q You know when he returned? A Yes sir, I do.
Q When? A Spring of '63.
Q '63? A Oh '66.
Q How did you know that? A I will explain how I know it; August '63, August '66, Lewis Daniels, Dug Webber and Rus Rogers, George Ross, and 4 or 5 other Cherokee fellows went to Lewis Downings on the river, and this man was in one of them old houses there, I don't know whether it was Glen Vann's old place or Tom Rider's, but it was close to the old Chouteau place.
Q This man was there? A Yes sir.
Q With his family? A Yes sir, Becky.
Q Had his wife? A Yes sir.
Q How many children did they have? A I don't know exactly how many children they had.
Q That was in '66? A That was in August '66.
Q How intimately have you known him since that time? A After that I don't know exactly how long it was, it may have been a year or longer, probably two years, maybe three; he came to Gibson, so I saw them there first, and then he came afterwards and stayed there a long time; he was a preacher, he preached for us. I

never will forget him this side of the Judgment, every time he would take his text it was in the seventh chapter of Corinthians.
Q Always took the same text did he? A Yes, "Let every man have his own wife", that was his text.
Q Well he didn't convince you colored people much on that subject?
A Well his wife was there and she had quit him.
Q Well have you known him since that time? A I seen him next time I seen him I believe it was at the Clifton court, not
Q He has got no family now has he? A No, it was the Clifton court, it was in '89, at the Wallace court.
Q Where did you see him since that? A I believe it was at Shelsea the other day, first time I saw him.
Q You don't know then where he has been all the time since that?
A No sir.
Q If he has lived out of the Cherokee Nation since that have you ever heard of it? Or known it? A If he have I don't know it, didn't see him.
Q Has he got a family now? A No sir.
Q Old man, knocking around the country? A Yes sir.
BY MR. HASTINGS:
Q You didn't witness for him before the Wallace court? A I don't know sir, probably I did.
Q You didn't tell Mr. Wallace at that time about seeing him in '66?
A I don't know as I did, I don't know as I witnessed for him.
Q Who was with him on that Glen Vann place at that time? A His wife.
Q Anybody else living there? A Yes, old Mrs. Liberty was living across the branch over there, and lots of people were living there.

Applicant, SANDY ROSS, re-called and further examined;

BY COM'R MEADLES:
Q Did you used to preach? A Yes sir.
Q Well you had more than one text didn't you? A Yes sir, I preached different ones. (Applicant produces papers.)

Witness, AMY NEAN, re-called and further examined;

BY COM'R MEADLES:
Q You know anything about these letters? (Referring to applicants papers)
A Yes sir, he got them from his young mistress.
Q Is she living? A Yes sir, at Mt. Gibson.

Applicant, SANDY ROSS, re-called and further examined;

BY COM'R MEADLES:
Q Did you ever go back to Kansas after you first came down here?
A I said I passed back some times.
Q Did you ever live up there? A No sir.
Q How long did you stay up there when you went? A I would just stay a little while; go up on a visit or something I sometimes go up to a meeting or conference.
Q Are you a Methodist? A Yes sir.
Q Have conference up there? A Yes sir.
Q Does this country belong to the Kansas conference? A No sir.
Q Just naturally wanted to go to conference anyhow? A Yes sir.

Com'r Meadles: Sandy Ross applies for the enrollment of himself; his name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of the commission; he swears that he was a slave of Lewis Ross, and that he was taken out of the Cherokee Nation to the state of Kansas during

Sandy Ross #

the Civil war, but returned in the year 1866, and present no oral proof to that effect; by reason of the fact that his name is not on any of the rolls and his citizenship is contested by the Cherokee Nation, he will be listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by the Commission of the decision in his case.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 12, 1901.

Commissioner.

FILED
OCT 15 1901
COMMISSION TO THE LOWER COLORADO RIVER INDIANS
DEPARTMENT OF THE INTERIOR

[illegible] so your [illegible] too, and that was pro-
[illegible] acquainted with Nancy Ellis you say?
[illegible] month.
[illegible] the year 1900 then. A. No, sir,
[illegible] you in Yuma. Yes, since that
[illegible] I knew him.

[illegible] Yes, I saw him lately, last few months. A. Yes, I saw him
[illegible] ago began [illegible] anything about going down here and
[illegible] Did you ever hear him say anything about going down here and
[illegible] talk about it and said he
[illegible] Yes, he used to talk about it and said he
[illegible] between Yuma and Ehrenberg and I said I was
[illegible] boy and asked him when Yuma coming and I said I was
[illegible] the next day and he said I didn't come down.

Nancy Leadless: This testimony will be filed in Hong.

[illegible] Indian, being first duly sworn, [illegible] that he claims
[illegible] to the Yuma Indians. [illegible] he correctly
[illegible] recorded the testimony and proceedings in this case, and that the
[illegible] is a true and correct record of the proceedings in
[illegible]

Alexander

[illegible] Yuma, Arizona, this [illegible] December [illegible], 1901.

Supl.S.F.D.#44.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 9th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SANDY ROSS as a Cherokee freedman, introduced on behalf of the Cherokee Nation:

APPEARANCES:

Mr. L. B. Bell, of Counsel for Cherokee Nation:

Now comes the Cherokee Nation by its attorney and states that they have made every effort to get service on the said Sandy Ross, that he cannot be found in the Indian Territory.

J. E. THORP, being duly sworn by Commissioner Needles, testified as follows, on part of the Cherokee Nation:

MR. BELL: Your name. A J. E. Thorp.
Q Age? A 64.
Q Post office? A Iola, Kansas.
Q Well, Mr. Thorp, this is a case of the application of Sandy Ross or Sandy Ellis, claiming to be a Cherokee freedman and applying for citizenship under the treaty of '66; are you acquainted with Sandy Ross? A Yes, sir
Q Where did you get acquainted with him? A In Iola.
Q Kansas? A Iola, Kansas.
Q About when? A Oh, about '66 or '67, somewhere right along there, shortly after I was mustered out, I don't know how long.
Q How long have you known him? A Knew him ever since.
Q Where is his place of residence? A It is in the northeast part of town now; he did at one time live on a tract of land in the south part of town, five acre-tract I believe it was; he lost it by mortgage and got a piece of property up in town.

COM'R NEEDLES: What place and state? A Iola, Kansas.

MR. BELL: Does he live there now? A Yes, sir
Q How long since you seen him? A I think a week probably.
Q And he has been at either one of these two places you mention since you first knew him directly after the war? A Yes, sir, well he lived up in town first and married this Hayties widow and lived on the tract of land and was about to lose it and got a little house up in town and moved up there.
Q Now, he goes here by the name of Sandy Ross, that was his application; what name did you know him by? A He was frequently called Sandy Ellis and sometimes called Ross.
Q He is sometimes called Ross and sometimes Sandy Ellis? A Yes, sir.

COM'R NEEDLES: How old is this Sandy Ross you know? A I would take him to be somewhere in the neighborhood of 70.
Q What is your occupation? A I have been a barber for the last 30 years.
Q Do you know where Sandy Ross went from when he went to Kansas? A He was, he always contended claimed and his brothers agreed with it he was, claimed he came from the Cherokee Nation.
Q Well, do you know of your own knowledge that he has lived there from the time you knew him up to the present time? A Particular so, sir.
Q And is living there now? A Yes, sir.
Q Do you know whether you got acquainted with him in 1866 or after 1866? A Oh, about 1866 or '67.
Q He has a family has he? A He did have, and has now again by reason of his second marriage.
Q Did you know his first wife's name? A No, sir.

Q What is his present wife's name? A Her name was Smith.
Q Her given name? A I did know, but don't know it now, she used to wash for my wife, both as Miss Smith and Mrs. Ellis.
Q Do you know why he was called Ellis? A No, sir.
Q Do you know whether he has ever exercised the right of suffrage in Kansas? A I think he has when I was sitting on the board myself.
Q You have seen him vote? A Oh yes.
Q You don't know anything about his antecedents? A No, sir.
Q You never knew him living out of the state of Kansas si nce? A No, sir, I have never had any knowledge of his having any residence anywhere else at all.

R. J. MORRIS, being duly sworn by Commissioner Needles, testified as follows: On the part of Cherokee Nation.
MR. BELL: Give your name? A R. J. Morris; 58 years old; my post office address is Iola, Kansas.
Q How long have you lived in Iola? A I have lived in the vicinity of Iola since '56.
Q That is Iola, Kansas? A Yes, sir, Iola, Kansas, lived in three miles of the town.
Q Are you acquainted with a colored man by the name of Sandy Ross, or Sandy Ellis? A I am acquainted with a man by the name of Sandy Ellis.
Q You don't know hi m as Sandy Ross? A No, all I know is he claims to be a brother of the Ross boys, Peter and Cal, he goes by the name of Sandy Ellis there.
Q How old a man is he? A I think he is 70 or 75, he is getting along in years pretty well.
Q When did you first become acquainted with him? A Well, it has been a number of years, I don't just exactly remember, probably '66 or '67, somewhere along there; away back.
Q Where did you meet him first get acquainted with him? A Iola.
Q Where has he made his home since? A He has made his home in Iola.
Q You say he claims to be a brother of Calvin Ross? A Yes, si r, and Pete.
Q Did he ever own property there as you knew of? A He owns property there now, or clai ms to own i t.
Q Does he live there now? A Yes, sir.
Q That is his home now? A Yes, sir.
Q How long sinceyou seen him there? A I seen hi m during the week, last week.
COM'R MEEDLES: What business is Sandy Ross in? A Well, sir, I don't know what he does for a living.
Q Do you know whether he was ever a preacher or not?
A Why, I think he was.
Q You first became acquainted with him about '65? A Somewhere along in there, '65.
Q Sandy Ross claims if he came back to the Cherokee Nation that he came in 1866; now do you know positively that he did not?
A I do not know, I didn't miss him.
Q Do you know his wife? A Yes, sir, I know her.
Q Do you know what her name was? A Her name was Smith, she was a widow when he married her. I don't know her given name.
Q Did you know his first wife? A No, sir.
Q I understand you to say that he has resided in the State of Kansas continuously from the time you knew him up to the present time?
A Yes, sir, as far as I know, I have never missed him away from there.
Q Do you know whether he was in the army or not? A I think he was; well I know he was, he draws a pension.
Q Has he any children? A I think he has two, a girl and a boy,

Q You don't know whether he ever made a crop since 1863 in the Cherokee Nation, since you knew him? A No, sir, not as I know of.
Q You don't know who he belonged to before the war? A I do not.
Q What is your occupation? A Well, I have been a farmer most of my time.

MR. BELL: How old is these two children you speak of?
A Well, they are about grown, I think the boy is probably 21 and the girl is about 18.
Q Are they the children of thes present wife? A I think so, I would not be positive, I think they are.
Q Could not state as a fact? A No, sir, I think they are the children of his last wife.
Q Did this last wife is his claim to be a Cherokee Freedman?
A Well, now, sir, I could not answer that.

COM'R NEEDLES: Were these children you mention born in Kansas?
A Born right there in Iola, at least they were raised there, small children.

M. C. ROBINSON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. BELL: What is your name? A M. C. Robinson.
Q Age and post office? A 59; Iola, Kansas.
Q How long have you lived in Iola? A Since the spring of '70.
Q You have lived there continuously? A Yes, sir.
Q Do you know anything about a colored man by the name of Sandy Ross, or Sandy Ellis? A Sandy Ellis, I never knew him as Sandy Ross.
Q How old is he? A He is man of pretty good age, he is not far from 70; he is getting a little feeble.
Q Does he reside in Iola? A Yes, sir.
Q At present? A At present.
Q When did you become acquainted with him? A It has been somewhere about 20 years.
Q Where did he live when you first got acquainted with him?
A When I got acquainted with him when he married Mrs. Smith, she was washing for my wife.
Q That was the time you got acquainted with her? A Yes, sir, that is, she was washing for us at that time, or just before that.
Q Well, has he lived in Iola continuously since that time?
Q Well! they lived on the farm that five acres several years for the last several years they have been living in town.
Q How far is that country place they have been living on?
A About two miles and a half.
Q That was in the same county in Kansas? A Yes, sir, same county, same township.
Q Do you know anything about his children? A Yes, sir, I am some acquainted with the children; that is I was some acquainted with the girls, she graduated at our school last spring, high school.
Q Was there any other besides the girl A Yes, sir, there was a boy that is my understanding.
Q Are these children by this latter marriage? A Yes, sir, that is my understanding.
Q That is, this Mrs. Smith he married is their mother?
A Yes, sir.
Q They were born there and raised there? A They were born there and raised there, went to our school right along.

MR. NEEDLES: What is your occupation? A Wagon maker.
Q Do you know that Sandy Ellis is the Sandy Ross that applies here?
A No, sir, I never knew that.
Q Do you know his wife's name? A Yes, sir, his wife's name is Smith; that is, his last wife; I was not acquainted with his first wife.
Q Do you know her first name? A No, sir.
Q She colored woman? A Yes, sir.

Q You didn't know his wife's wife? A No, sir.
Q Do you know whether he has ever voted up there? A I do not, no, sir.
MR. BELL: Is there more than one Sandy Ellis living in Iola?
A Not that I know of.
Q This man Sandy Ellis you speak of is he 70 or 75 years old?
A Yes, sir, I know that he was in the army.
Q Do you know of his having any brothers there? A No, sir, I never heard of them; that is, if he had.
COM'R NEEDLES: What are the names of his children, do you know them? A Well sir, I don't remember, I wrote both of their names in the school, but I don't remember now.

S. P. GRAY, being duly sworn by Commissioner Needles, testified as follows, On part of Cherokee Nation:
MR. BELL: Give your name? A S. P. Gray.
Q Age? A 67.
Q Post office? A Iola, Kansas.
Q Well, I would ask you, Mr. Gray, if you were acquainted with one Sandy Ellis, an a colored man in Iola, Kansas? A Yes, sir.
Q When did you become acquainted with him? A About 32 years ago, this fall next month.
Q Where was he living then? A He was living near Iola.
Q Near Iola, Kansas? A Yes, sir, at the bottom we called it there below town.
Q Now, have you known him continuously from that time to this?
A Yes, sir.
Q Where hawhe lived all that time? A He has lived down there by that little farm that belonged to this woman he married, Mrs. Smith, five acres they called it a farm, until within the last-- I don't know--12 or 13 years, and then they moved to town and they lived there si nce, probably 15 years maybe more pessi bly.
Q How old a man is this Sandy Ross that you know? A Well, he is not far from my age; he claims to be that he is a year younger than me, but I don't know; he is pretty well stove up, broke down.
Q Has he any children there? A Well, they have a girl; I don't know whether he had another ex children or not; his wife had two boys, about thirty years old I reckon.
Q That is his present wife? A By her first husband.
Q They are not his children? A No.
Q Do you know what name they go by? A Smiths/
Q And you knew him and this Mrs. Smith having a child, a girl?
A That is all I know anything about; I never was at their house in my life, but I nknow where they live.
Q What was the business of this man, did he have any?
A Oh, just choring around that anybody had anything to do that was light.
Q Did he have any brothers there? A Yes, si r, he had two, well he had three, one of them is dead, Jack; Cal and Pete, they were not Ellis they were Rosses
COM'R NEEDLES: Their names was Ross? A Yes, sir.
Q Claimed to be his brothers? A Yes, sir.
MR. BELL: Well, did you ever hear this man, Sandy Ellis, called Sandy Ross at any time? A No, sir.
COM'R NEEDLES: What is your occupation? A Well, now, it is kinda general roustabout; then I was in the butcher business for years there.
Q Now, do you know the names of Sandy Ellis' brothers?
A All I know is what they told me; they told me, I asked Cal, I heard him introduce him as a brother and I asked him after they get through talking; Cal was working for me an how it came that he introduced him as his brother and his name was Ellis; he said his last master's name was Ellis and he goes by that name, but he says that is my own brother.

Q This was named Ross talking to you? A TYes, sir, that was probably 15 years ago.
Q Well, when did you first get acquainted with Sandy Ellis you say?
A Oh, it was about 22 years next month.
Q You don't know where he was in the year 1866 then? A No, sir, I don't.
Q He has been living though as you say in Iola, Kansas, since that time? A Yes, the time I knew him?
Q Yes? A Yes, sir.
Q and married there? A Yes, sir.

[illegible] present wife, that is my judgment.
Q Have you seen him lately, last few months? A Yes, I saw him a week ago to-morrow.
Q Did you ever hear him say anything about going down here and getting his rights? A Yes, he used to talk about it and said he ought to come now and asked when he was coming and I said I was coming the next day and he said I can't come down.

Com'r Needles: This testimony will be filed in D.#946.

---oooOOOooo---

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 10th, 1901.

Commissioner.

CR

Cherokee Freedmen D-946.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sandy Ross as a Cherokee Freedman.

DECISION.

The record herein shows that Sandy Ross appeared before the Commission at Nowata, Indian Territory, on June 28, 1901, and made application for enrollment as a Cherokee freedman. Further proceedings were had in the matter at Vinita, Indian Territory October 7, 1901.

The evidence in this case shows that the applicant herein was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that the applicant has been a resident of the State of Kansas for many years previous to the date of his application herein.

It further appears that the name of the applicant herein is not found on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sandy Ross as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
APR 20 1904

Commissioner.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEWLIN,
C. R. BREWINGTON,
ED. O. BRIGHT,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
Enrollment

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 3, 1904.

Sandy Ross,

Hudson, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register
Enc. D-86.

COPY.

[illegible]

Muskogee, Indian Territory, May 5, 1904.

The Dawes File

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Sandy Rose as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-25

COPY.

Cherokee Freedmen
D-948.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Sandy Ross as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-97

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 26, 1904.

Land
30675-1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated May 8, 1904, transmitting the record of the application of Sandy Ross for enrollment as a Cherokee freedman.

April 20, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the war he went out of the Cherokee Nation and did not return and establish a residence therein on or before February 11, 1867. It is further shown that the applicant is and has been for many years a citizen of the State of Kansas. The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

In view of the record, the approval of the Commission's decision adverse to the claimant is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

MMM

C

WCF
JP
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

June 3, 1904.

DC. 18828-1904.

I.T.D. 4342-1904.
LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application of Sandy Ross for enrollment as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application

Reporting in the matter May 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of His letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

Signed Thos Ryan
Acting Secretary.

1209

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

WM O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
D 946

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 14, 1904.

Sandy Ross,

Hudson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee Commission

Muskogee, Indian Territory, June 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Sandy Ross as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

If these lines will assist you I willingly send them as your brother was was not only my friend but also was of all my disciples & brothers & I hope to hear of your success

Yours J. Reed.

ACTING CHAIRMAN
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901
DEPARTMENT OF THE INTERIOR.

Fort Gibson June 12th

To Peter Calvin & Sandy Ross. Your letter received but answer, I will first return your Lets, & then say -

Peter Calvin & Sandy Ross were children of Parents raised by Mr Lewis Ross (my Father) on Grand River (slaves) & I know Sandy returned at the right time as he looked around Fort Gibson. The other brothers were not here but on Grand River for some time & then moved to Canada -

Mrs M. J. Ross.

If these lines will
recall you I willingly
send them as your Mother was
was not only my friend but a
close one of all my kind & pattern
& I prefer to have of your care

Mrs O. J. Reed.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUN 28 1907
ATTY GEN

Exhibit
B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 28 1901
ACTING CHAIRMAN

Fort Gibson
June 1st 1901.

This is to certify to the case of "Peter Cedrin & Sandy Ross being the sons of "Willis & "Moreah" Ross who were married by Mr Lewis Ross & their three sons were of the family born on the same farm to the same parents & in wedlock all owned by my father Mr Lewis Ross of Grand Saline now the Cherokee Orphan Asylum

Mrs M J Ross.

Subscribed Sworn to before me this the 19th day June 1901

P L Pyle Notary Public

B

7 2946

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901
ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 1901

Post Office Hudson, I. T.

District Coo

1. Name Sandy Ross Age 76

Owner's name Lewis Ross Citizenship Cherokee

Year — Page — No. — District —

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No. 1 Stenographer M. D. Green

Identified

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Sandy Ross,
Hudson, I. T.
Cherokee F-D-946
Register.

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

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MUSKOGEE, IND. TER.,

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Mr. Sandy Ross,
Hudson, I. T.
Cherokee F-D-946
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

REGISTERED MAR 25 MUSKOGEE

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Remove

5194

Mr. Sandy Ross,
Hudson, Indian Territory.

(uncalled for)

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS PENALTY FOR PRIVATE USE $300

11119

~~Sandy Ross,~~
~~Hudson~~, Indian Territory.

Parties Unknown!
Cant be found

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
JUN 14
6 — F
1906

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

Return to Chenoweth

~~Sandy Ross,~~

~~Hudson, Indian Territory.~~

Unclaimed

Sandy Cove

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 3 - 1904

Cher. Fr. R. 391

See Cher. Fr. R. 73, 74.

A

J.D 248

PATENT AND TRADE MARK OFFICE
RECEIVED
1901
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 10th, 1901.

In the matter of the application of Polly Landrum for the enrollment of herself as a Cherokee Freedman; said Landrum being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Polly Landrum.
Q That is your name at the present time is it? A Yes, sir.
Q You just apply for yourself? A Yes, sir.
Q How old are you? A Well, I am about 74 or 75.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
Q You say your husband is dead? A Yes, sir.
Q How long has he been dead? A He has been dead about six years.
Q What was his name? A Rector Landrum.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes, sir.
Q To whom did you belong? A Paulina Landrum.
Q Are you on the rolls of the Cherokee Freedmen? A On the Clifton roll.
Q Is that all? A That is all, I guess.
Q How long have you borne the name of Landrum, all your life?
A No, sir, I belonged to Martin in the first place.
Q Have you been called Landrum ever since the war? A Yes, sir.
Q Your owner, Paulina Landrum, was a Cherokee citizen was she?
A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the name of applicant not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 164, #4047, Polly Landrum, Ceweescoowee District.

Q How comes you are not on the roll of 1880? A I was here but they didn't take me.
Q Why would not they take you? A I don't know.
Q Well, explain, now, why you were not on the roll of 1880?
A They just didn't find where I was.
Q Could not show that you were entitled to be there? A They didn't come to where I was staying.
Q You didn't apply to be put on, you say? A No, sir, I don't guess, I didn't know nothing about it.
Q How comes you are not on the census roll of 1896? A Well, now, I will tell you I went in there and I told them that I was a Cherokee Freedman and Mrs. Shelton got up and stated who I belonged to, she knowed me and the way they put it down I don't know.
Q Who is this Mrs. Shelton; what is her full name?
A Ann Shelton, Mr. Bell's sister.
Q She ~~stated that~~ you belonged to? A Yes, sir.
Q Is she living now? A Yes, sir, I suppose she is; Ain't she, Mr. Bell? (Addressing L. B. Bell.)
Q She lives at Vinita does she? A Yes, sir.
Q Did she say that you belonged to Paulina Landrum?
A Yes, sir, she said I belonged to Aunt Paulina Landrum.
Q Your Mistress was Mrs. Shelton's aunt? A Yes, sir.
Q Well, where were you during the war between the North and South?
A Why I was at home in the breaking out of the war.
Q Well, where were you? A Down here on Grand river and then when the soldiers come in there they took me North.

Q Where did they take you? A Took me to Fort Scott.
Q Did you go up there with your family or by yourself?
A With my family.
Q How long did you stay up there? A Stayed there until the war ended.
Q Do you know when it was you came back to the Cherokee Nation?
A They said it was '66, I don't know.
Q You don't know when you came back? A Come back in '66.
Q You say you didn't know that of your own knowledge? A No, sir; only just what people told me.
Q When did they tell you that? A Told me that before I started back; ~~xxxxxxx~~ well , in the first place my husband come down here.
Q He came down here ahead of you? A Yes, sir.
Q About how long did he come ahead of you? A He come here in the fall and then he went back. He started from there in July, '66, come back to the old home and went back to Kansas after his family.
Q What time did he come back to Kansas after his family? A That same fall.
Q And you think that was in 1866? A Yes, sir.
Q You claim then that you got back to the Cherokee Nation before Christmas in 1866? A Yes, sir.
Q Where did you go? A Down here on Grand River.
Q Whom did you live with? A A I went over to Simon's and stayed a while.
Q Who is Simon? A Simon ~~Lynnx~~ Lynch.
Q Colored man? A Yes, sir.
Q Is he living? A Yes, sir; he is living, he is here somewhere.
Q Is he here on the ground? A Yes, sir, I suppose he is.
Q Did he have a place? A Yes, sir; and then I was at Al Lynch's.
Q Was your husband with you? A No, sir.
Q At ~~xxxxxxxxxx~~ other places? A No, sir.
Q Where was your husband? A He come first.
Q You said he came first and went back and got you? A Yes, sir.
Q Didn't he come back with you when you came back? A No, sir, he stayed up there, but he come after a while.
Q Who came with you? A My children.
Q What did you husband do back up in Kansas to keep him?
A He was working to get something for his family to live on.
Q Which ones of your children came with you? A Mandy, Perry, Tom.
Q Are they all called Landrum? A Yes, sir; Martha, them was my oldest ones.
Q They came with you? A Yes, sir; Mary, John.
Q Is Mandy living? A Yes, sir.
Q Is Perry living? A Yes, sir.
Q Is John living? A I guess they is.
Q Are any of them on the roll of 1880? A No, sir; I don't guess there is.
Q Are any of your daughters on the roll of 1880? A No, sir.
Q Well, is there any witnesses you want to introduce now to prove that you were back here in 1866? A Here is Allen Lynch here.

BY L. B. BELL, Cherokee Representative:

Q Who come along with you when you come down here besides your children? A Well, I come with some strange people.
Q Strange people? A Yes, sir.
Q You don't know any of them? A It has been so long I forgot.
Q Did any of these Cherokee Freedmen come along? A The one came with me I know, but he is dead; that was Boney Dan, Dan Landrum.
BY COMMISSIONER BRECKINRIDGE: When did Boney Dan die? A Died in the time of the Smallpox.
Q That was in 1881 or 1882 was it? A (No response.)
Q Who else came with you besides Boney Dan? A His wife.
Q What is her name? A Jane.
Q Is she dead? A Yes, sir.
Q Is that all you can remember? A Yes, sir.

BY L. B. BELL:

Q Did you apply to the Kerns-Clifton Commission for enrollment?
A Yes, sir.
Q Well, what did you tell them the; where you come to? A I told them I come down to the Allen Ford.
Q Didn't you tell them that you came to Big Creek with Berry Ward?
A No, sir.
Q Who was living at the Allen Ford when you come there? A There wasn't anybody.
Q Who was living there where you stopped? A There was some neighbors up to the Pumpkin place where I lived, Jerry Jones for one.
Q Well, who else? A I forget his wife's name now.
Q Who did you live with? A Why, I stopped there with Jerry a while and I went over to Lynch's, Al Lynch's.
Q Where was he living? A He wa living down there in the bottom.
Q Oh, well, down in the bottom, whereabouts in the bottom?
A On Grand River.
Q On which side of the river? A On this side.
Q On the west side? A Yes, sir.
Q Do you know who lives there now? (No response)
Q What I am trying to get at if you know where the place was?
A John Brigwell, he owns it now.
Q How long did you live there before you went back to Kansas?
A I stayed there a short time.
Q Well, how long? A Oh, I just can't tell how long.
Q A week? A I stayed there longer than that.
Q A year? A No, not quite a year, I stayed there at that place.
Q Well, give some account of yourself while you were here?
(No response.)
Q Well, when you went back to Kansas who went with you? A I don't know who went with me, I tell you it has been so long I just forget.
Q You say Rock didn't come with you when you come the first time?
A He come first and went back.
Q You say he didn't come with you when you come the first time?
A No, sir, he didn't come, I come on with Boney Ban.
Q This Amanda, Sarah and Tom come with you? A Mandy and Ferry.
Q How long did they stay here? A They stayed here a long time
Q Before they went back? A Yes, sir, before they went back.
Q Well, you can't recollect a thing about who took you back to Kansas when you went? A I forget the peoples names.
Q Well, did anybody go with you? A Yes, sir, there was some, several went.
Q Were they white folks, Indians or Freedmen? A They was white folks.
Q And then how long did you stay in Kansas before you come back here? A I stayed about a year, and then I came back.
Q And then remained here? A Yes, sir; part of the time?
Q Didn't go back to Kansas any more? A Yes, sir, I went back to Kansas.
Q Well, how long did you stay that second time when you went back to Kansas? A I stayed about six months.
Q Whom did you stay with? A I stayed with the white folks.
Q Where at? A At Fort Scott.
Q Now, didn't you and Rock have a farm up there? No, sir.
Q Had no property? A No, sir.
Q Didn't you live there 12 years without a break? A We had property rented.
Q Didn't you live there 12 years before you came down here at all?
A No, sir.
Q Didn't you stay 12 years before you went back? A No, sir.

BY COMMISSIONER BRECKINRIDGE:

Q You say you came down to the Cherokee in the fall of 1866?
A Yes, sir.

Q And stayed a while and then went back to Kansas? A Yes, sir.
Q You had left your husband up there? A Yes, sir.
Q And on that trip back to Kansas you stayed about six months?
A Yes, sir.
Q And then you came back to the Cherokee Nation? A Yes, sir.
Q Did your husband come back with you at that time? A Not at the time, but he come after I did.
Q Well, when you came back to the Cherokee Nation the second time how long did you stay in the Nation? A I can't tell how long I stayed.
Q You don't know? A No, sir.
Q Well, then you went back to Kansas? A Yes, sir, I went back visiting.
Q How long after you came back to the Cherokee the second time was it before your husband came to the Cherokee Nation?
A I can't tell you how long it was.
Q Did he locate and stay here when he came down here then?
A Yes, sir, he stayed here a while
Q And then went back up to his work in Kansas? A Yes, sir.
Q Where did your husband die? A Died in Kansas.
Q What was he doing up there at the time he died? A He was working and took and stroke of Paralysis.
Q Was he farming? A Yes, sir.
Q How long had he been in Kansas at the time he died?
A I can't tell how long.
Q You don't know? A No, sir.
Q Well now, can you tell me in a plain, simple way how much of your life you spent in the Cherokee Nation and how much you spent in Kansas? A Well, I spent a great deal of my life here.
Q Now, you seem to remember everything distinctly back before you made these trips to Kansas, but when you come down to after those Kansas trips I can't get anything out of you? A Yes, you can.
Q Well, give it to me? A Well, I stayed maybe six months in Kansas and come back here and stayed a year, and then, well I got out of a little means to go upon, I had my children up there some of them working, to send me my means and then after the railroad went through here, of course I could get my little means.
Q Is that what you mean now, is all you can tell me? A What is it?
Q I have asked you, there is no use repeating it. A What is it; I went there and stayed a year and then I come back here, come right back here to this Territory, and then I stayed here three years and then I went back there again to see my husband when he was about to die and then I come back and I stayed.
Q You stayed here? A Yes, sir.
Q Did your husband live all the time up there in Kansas?
A No, sir.
Q How long had he been living there you say at the time he died?
A I said I was down here.
Q I am not asking you about yourself, I am asking you about your husband? A He was up there about two years, back again.
Q He was there about two years before he died? A Yes, sir.
Q Where was he before that? A He was first here and then there, as I tell you he was working.
Q Is your husband on any roll of the Cherokee Nation? A I can't tell you.

ALLEN LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Well, I have lived here pretty near all my life.

Q Where were you in 1865 and 1866? A In 1866 I was here; in 1865 I was in the Army.
Q Where were you in 1866, at Vinita? A No, sir; there w asn't any Vinita then.
Q Where were you? A Down on Grand river.
Q Do you know this applicant here, Polly Landrum? A Yes, sir.
Q Do you know anything about when she came back to the Cherokee Nation after the war? A I know when her husband came, not her.
Q When did her Husband come? A He came here, I think it was in the fall, in October, '66, somewhere along there.
Q And how long did he stay here? A He stayed here I think about a couple of weeks.
Q And then returned to Kansas? A Yes, sir, he went back to Kansas.
Q About how long after that before you saw him again? A I never seen him any more for several years, I didn't live down there in that part of the country; I never saw h m for several years after that.
Q Where was his wife all that time? A I guess she was in Kansas until she come down there.
Q Well, when did she come down here, so far as you know?
A I really could not say when she didcome down here.

POLLY LANDRUM, the applicant-recalled, testified as follow BY L. B. HELL:

Q Was that the Al Lynch you said you lived with? A Yes, sir, I went to his house and lived a while with him.

COM'R BRECKINRIDGE:--The applicant claims to have lived in the Cherokee Nation all her life except an absence during and immediately following the war between the States. She claims to have been at the time of the breaking out of the war a slave of a Cherokee citizen, and states that she returned to the Cherokee in the fall of 1866 from the State of Kansas. She is not identified on the roll of 1880, or on the roll of 1896. She is identified on the Kerns-Clifton roll. The testimony shows that the applicant has spent at least a large part of her live since the time when she claims to have returned to the Cherokee Nation, in the State of Kansas and her allegations in the early part of her testimony are not supported by her evidence in the subsequent part of her testimony and the witness twith whom she states she lived in the fall of 1866 in the Cherokee Nation does not substantiate her testimony. It is not believed under this state of the case that the applicant is entitled to enrollment, but for the further consideration of her case, giving her the benefit of any doubts there may be, she will now be listed for enrollment as a Cherokee freedman on a doubtful card, and the final decision of the Commission will be communicated to her at her post office address.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he carefully recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 11th day of May, 1901.

M. D. Green
Notary P.
Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 19 1901

Supplemental D-248 Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Choteau, I.T., June 10, 1901.

In the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman.

Appearances:

Pulaski A Smith, attorney for applicant.
R. W. Hastings, of counsel for Cherokee Nation.

Supplemental testimony.

Columbus Kobair, being duly sworn by Commissioner Dudley, testified as follows:

Mr. Smith: What is your name? A Columbus Kobair.
Q How old are you? A 51.
Q Where do you live? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know this applicant, Polly Landrum? A Yes, sir.
Q How long have you known her? A All my life.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Belonged to Vinny Landrum.
Q That was a woman, was it? A Yes, sir.
Q Was she a Cherokee citizen? A Yes, sir.
Q An Indian? A Yes, sir.
Q Where was Polly here, when the war commenced? A She was down here on Grand River.
Q In that Nation? A Cherokee Nation.
Q Do you know whether she went out of the Cherokee Nation or not during the war? A Well, I don't know whether she was out or not, I wasn't down to Webbers Falls when they went away from there.
Q When did you first see her back in the Cherokee Nation after the war? A I never saw her back here until '72.
Q Where did you see her? A I saw her over on Grand River.
Q You don't know how long she had been back when you did see her?
A No sir, I don't.

Polly Landrum, recalled, testified as follows:

Mr. Hastings: You went back to Humboldt, Kansas, didn't you? A No, sir, I never went to Humboldt.
Q You were living there in 1888, weren't you? A No, sir.
Q Didn't you never go back to Kansas? A Went back to Kansas but never went back to Humboldt.
Q Where did you go? A Went to Fort Scott.
Q When did you go back up there? A It has been about three years since I made a visit up there.
Q When did you first go back up there after you came down? A I came down here in the fall of '68, and I never went back up there any more for 15 years, then I went again.
Q Were you married then? A I was married, but my husband died.
Q Where did he die? A He died up there.
Q That town? A Died out in the country.
Q Near what town? A Fort Scott.
Q What year? A I can't tell about the years.
Q How long after the war? A Some a year or two years.
Q When did you say you first went back to the Cherokee Nation after the war? A In 1872.
Q Who did you come with, if anyone? A Came with, came with Uncle Dan Landrum.
Q Who was he? A He was a colored man belonged to Charles Landrum.
Q What was he to you? A He wasn't anything to me, only fellow servants.

[illegible]

Q. Did you have a husband? A. [illegible]

Q. [illegible] husband? A. [illegible]

Q. When did he pass away? A. I came to [illegible], and he was back and forth, and then I came with this money [illegible].

Q. [illegible] You say you came with [illegible] the last time?

A. [illegible]

Q. Money been move [illegible] Family [illegible]? A. Yes, sir.

Q. [illegible] was [illegible]? A. Well I told you in 86.

Q. [illegible] last time, when you came with Sonny Bent? A. That was the first time I came.

Q. You never lived at Pinkold, Kansas? A. No, sir.

Q. What [illegible] did you come [illegible]? A. In the fall.

Q. You don't know one year from another? A. Yes, but I [illegible] forget all I ever did know.

Q. You don't know what year you were married? A. Now Mr. Hastings, you know [illegible] don't many nothing about when they married.

Q. You don't know what year the Vallejo Court was here? A. No, sir, I don't.

Q. You don't know what year the Kern-Clifton Court sat? A. No, sir.

Q. You don't know what year they paid that strip money? A. No, sir.

Q. You don't know one year from another? A. I ask the people when I want to find out anything.

Q. And that is the way you found out when you came back? A. Somebody seventy-five years old, don't you allow me to forget, I have got so old I am getting forgetful.

Examiner

Grube C. Fenn, being duly sworn, says that as stenographer to the Commission in the five civilized tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Charles B. Jones

Sworn to and subscribed before me this the 10th of June, 1901.

[illegible]

Commissioner.

this country in '56.

Q When did you go back out of this country? A Why I went back about that time I reckon. I reckon it was about that time.

Q You are the same fellow who was examined over there who has been living at Marbleton, Kansas? A No, sir, no I never lived in Marbleton, Kansas.

Q Aren't you the same fellow I asked you did you know F. B. Myrick?

A No, sir.

Q Where did you go when the war broke out? A I went to Kansas.

Q What part of Kansas? A Fort Scott, Lynn County.

Q Who went with you? A Nobody.

Q Who came back with you? A When I came to this country, Al Lynch, Simon Lynch, a man by the name of Lew Vittetoe, George Rockwell, Arch Landrum.

Q They all came back with you? A Yes, sir.

Q Now about what year did you come back with reference to that fight on Horse Creek? You come after that or before? A We came right at the same time, but we came another route.

Q Did you come the same year that fight was? A I suppose it was.

Q Did it occurred when you came down here? A I think we were here first before that Horse Creek fight was.

Q Do you know whether or not you heard of it when you came, or whether it took place after you came? A Yes, I believe I did.

Q Which was it now? A I think we came before the Horse Creek fight.

Q How long do you think you had been here when that fight took place? A I can't remember.

Q Had you been here a month or two? A I don't think it was that long.

Q Aunt Polly didn't go with you out of the country? A She went about the same time we all went to Kansas.

Q Did she go to the same place? A She stopped at Mound City, she stopped first at Fort Scott and then we all were sent on back farther north in Lynn County.

Q And she didn't go on? A I don't know whether she did or not.

Q You went on? A Yes, sir.

Q And you stayed up there near Fort Scott for several years?

A No, sir. I stayed to Mound City, I didn't stay at Fort Scott.

Q You stayed there until about 1870? A Until I went in the army.

Q You were mustered out at Leavenworth? A Yes, sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and requests that the number of the witness' enrollment be made a part of the record.

Mr. Smith: That is pertainly incompetent and irrelevant.

Commissioner: I don't think that would be competent to put in here. The Commission takes knowledge of the fact that the witness is listed for enrollment on a card 844.

Recapitulation

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the ___ day of June, 1921.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1904.

In the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman.

Supplemental testimony.

Appearances:
Mellette & Smith, attorneys for applicant;
F. E. Davenport, of counsel for Cherokee Nation.

Jesse Landrum, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Jesse Landrum.
Q Where do you live? A Vinita.
Q What is your age? A 53.
Q Do you know this applicant, Polly Landrum? A Yes, sir.
Q Is she related to you? A No, by marriage.
Q She married your uncle? A I married her niece.
Q How long have you known Polly Landrum? A Ever since I was a little boy.
Q How old are you? A Between 53 and 54
Q Do you know where Polly was during the war? A Yes, sir.
Q Where was she? A She was in Lynn County, Round City, Kansas.
Q Where was she when the Civil War commenced? A Down here on the river.
Q Which River? A Grand River.
Q Where? A She lived at Tom Landrums.
Q Was that in the Cherokee Nation? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Belonged to Tom Landrum.
Q Was he a Cherokee Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Do you know when Polly Landrum first returned to the Cherokee Nation after the war? A I don't know when she first returned to the Cherokee Nation, but I know when I first seen her.
Q When did you first see her? A In '66.
Q Where? A Down on Grand River, at the Pumpkin place.
Q Where was the Pumpkin place? was that anywhere in the Cherokee Nation? A Yes, sir.
Q Where has she been living since that time as far as you know?
A Why since that time she has been living here in Vinita I think.
Q Do you know how long she has lived in Vinita? A She has been living in Vinita about twenty years I think.
Q Where was she living after you saw her in 1866 before she went to live at Vinita? A She was living before '66?
Q No, after you saw her in 1866, before she went to Vinita?
A Well I don't know, I only seen her there at the Pumpkin place when I used to be passing on the river; I can't tell you that.
Q Do you know how long she was there at the Pumpkin place or about the Pumpkin place? A No, sir.
Q Did you see her there more than once? A Yes, sir.
Q About how long was she there, as well as you remember? A Well, I seen her as long as I stayed around there then.
Q How long was that? A About two months I think, I seen her off and on.

Mr. Davenport: When was that you saw her at the Pumpkin place?
A In '66.
Q How do you know it was in '66? A I know it was.
Q How did it happen you were down there in '66? A Moved to

COMMISSION TO INVESTIGATE WRONGS OF NOTABLE CITIZENS
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I believe you [illegible] three [illegible] [illegible]?

[illegible] sir.

[illegible] Nurdin.

[illegible] Kansas.

[illegible] Evening, I [illegible] people you [illegible] about again in [illegible] you [illegible] sir.

[illegible] I'm not talking about [illegible] you there, I'm talking about the [illegible] I'm [illegible] alone after I've started [illegible] [illegible].

[illegible] Yes sir, [illegible].

[illegible] [illegible].

[illegible] personally, no, sir.

[illegible] only one of your [illegible] and his [illegible] [illegible] in Kansas. You don't have to [illegible] living [illegible] of your own [illegible]? No, sir, not [illegible] I don't [illegible].

[illegible] How [illegible] did you live [illegible]? I lived in Westmoreland county as [illegible].

[illegible] How long have you lived in Kansas City? I've [illegible] [illegible] time you don't seem [illegible] lived [illegible] Kansas City?

[illegible] Well, I was living in two different places in the country.

[illegible] was out of town? [illegible] It was out of town, yes, sir.

****

[illegible] Cotes, being duly [illegible] that is pertinent to the Commission to the five [illegible] [illegible] only [illegible] the proceedings and testimony in the above [illegible], and the proceeding is a [illegible] [illegible] [illegible] [illegible] [illegible].

S.F. D-248.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A L. B. Bell.

Q Your postoffice is Vinita? A Vinita, age 52.

Q Do you remember a colored woman who applied before this Commission in May here at Vinita, under the name of Polly Landrum? A Yes, sir.

Q You represented the Nation in the cross examination of that case? A When she applied, yes, sir.

Q Did you know her husband? A Yes.

Q What was his name? A Well his name was Rock Adams, or Rock Landrum.

Q Well, she also went by the name of Polly Adams, or Polly Landrum?

A Well yes; that Polly Landrum part the first time I ever heard it was when she came here, I knew them before that from the very first I can recollect, they belonged to my grandmother and went to one of her daughters in the division of the estate; the way they got the name of Adams, old Rock's daddy was named Adam, and there was five or six brothers among them, and when they came back from Kansas they had all took surnames and they came back here by the name of Adams; the first I knew of them calling themselves by the name of Adams was '68 or '9 when I began to see them here; that was old Adam's family, I never did see Rock and his family here till about the Wallace roll; but that Polly Landrum and Polly Adams is the same one.

Mr. Smith: How did she get the name of Landrum? A Well, her mistress was a Pauline Martin, an aunt of mine, she married first a man named Nicholson, then her name was Nicholson, and then he died and then she married a man named Landrum, and then her name was Landrum.

Q Did she own this Polly? A She owned Polly and Rock both.

Q Up to the time of the war? A Yes, right up to the war.

Q Was she living here, Polly, at the time the war commenced? A Yes, right here at the mouth of Rock Creek.

Q Your aunt was a citizen of the Cherokee Nation? A Yes, sir, and her husband too.

O. P. WATSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A O. P. Watson.

Q What is your age, Mr. Watson? A 69.

Q Where do you live? A Mound City, Kansas.

Q How long have you lived there? A Since '67.

Q Mr. Watson, did you know a colored woman up there who went by the name of Polly Adams? A Yes, sir.

Q Did you know her husband? A Yes, sir.

Q What was his name? A Rector Adams.

Q When did you first learn to know this family? A Well I don't know as I can remember the date, it was along in '67 or '70, along in there, I think ever since they have been there, I can't tell the time she came, it was in an early time.

Q What time with reference to the closing of the war do you think it was? A I think it was soon after the close of the war.

Q Well, how long did you know them there? A I have known them

ever since.

Q Is Polly's husband, Hector, alive? A No, sir.

Q When did he die? A I think he died 6 or 7 years ago.

Q Where? A At Mound City.

Q Kansas? A Yes, sir.

Q Was the rest of them living up there at that time? A They were.

Q Did they live there since directly after the war when you first knew them up to his death? A Yes, sir.

Q Is Polly up there now? A I don't think she is, I haven't seen her for some time.

Q About how long? A Oh perhaps maybe two or three years, perhaps longer, 4 years or 5.

Q Now up to a short time ago, say two or three years, have you seen her there at frequent intervals since you first knew her directly after the war? A Yes, sir, I have seen her occasionally along, of course I saw the people, I was in business there and I met them in the store occasionally as I did everybody.

Q You never missed them away? A Never missed them away.

Q What business were you engaged in? A Mercantile business.

Q Did they have some children? A Yes, sir.

Q You remember any of them? A I remember two of them. xxxxxThere were sold older girls that were married, I don't remember them.

Q They had some children there with them, did they? A Yes, sir.

Q You know whether they owned any land or property there? A Reck Adams owns a good farm there.

Q You know whether he was living on it when he died? A I think he was.

Q You say that your best judgment is he died five or six years ago I believe? A Yes, sir.

Mr. Smith: Mr. Watson, you don't know anything about this Polly Landrum prior to 1867? A No, sir.

Q Have you lived all the time at Napleton since 1867? A I lived at Mound City, yes, sir.

Q Well, how far did this man, Reck Adams, live from Mound City?

A Three or four miles I think.

Q Well, what year did you become acquainted with this woman?

A Well sir, I can't give the year exactly.

Q You didn't go to Mound City till '67, is that right? A '67.

Q Now you don't know how long it was after the war before you first knew this woman? A No, sir, I can't tell exactly, I presume I knew them pretty soon after they came there, so many came in there, I knew them as I did most of them.

Q Do you have any distinct recollection with reference to this woman? A No, sir, not particularly, I know they lived there a good many years.

Q But just how long since they commenced to live there, you can't state positively? A I can't state positively.

Q During the time they were living there you didn't know very much about them, you didn't see them often? A I saw them often, Mr. Reck Adams was rather a prominent man.

Q You didn't know the children? A I do know two of the boys.

Q You know their names? A One was Thomas and one was John.

Q You don't know any other children? A I have seen them, but I am not personally acquainted with them.

Q Don't know of your own knowledge whether this woman Polly Landrum has been there all the time from the time you first knew her, whenever that was, until three years ago, or two years ago? A Why she might have been gone as anybody would be to go off on a visit, but she still lived there in the country and I saw her quite often, as I saw a great many people as they came in to do business with me.

Q She was just, in your impressions now, one of a number of people

who came about your store from time to time? A Yes, just same as anybody that lives in the country and I have business with.

Q You don't know when she left there? A It was sometime I think about '30 or '31 or '2 that she began to be coming down here and proving up her claim. I talked to Mrs. Adams about it one time, and she was talking about coming down here at that time to the Cherokee Nation about her claim.

Q Well, did she come? A I don't know whether she did or not.

Q You say she is not living there now? A I don't think she is.

Q She hasn't been for some years? A I say for I think about be perhaps one or two years ago she was on the street.

Q Don't know whether she was living there or not at that time?

A No, sir, I can't say.

Mr. Hastings: About how large a place is Mound City, Kansas?

A Mound City I think is between eight or nine hundred people.

Q About what was its population say '30 or '7; when was it started? A It was started about '58.

Q How many ~~[illegible]~~ they have say after the war, '30, '7 or '8, along there? A Three or four ~~[illegible]~~

Q Very small place? A It was a good business place, there was lots of business down there at that time.

J. J. HAWKINS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. J. Hawkins.

Q What is your age? A I will be 63 the 8th of next March.

Q Where do you live? A Mound City, Kansas.

Q How long have you lived at Mound City, Kansas? A About ten years.

Q You mean the past ten years? A Yes, sir.

Q Did you know a colored man up there by the name of Rock or Rector Adams? A I did sir.

Q Where did he live? A He lived south of Mound City.

Q About how far? A Well perhaps four or five miles.

Q Did he have a wife? A He did, sir.

Q Do you know her name? A I heard her name, by occupying the position I did in the county.

Q What was that? A County Clerk.

Q Well, what was it? A Polly Adams.

Q About how long ago did you become acquainted with Reuben Adams, the husband? A Well, I got acquainted with him after I was occupying the position of clerk.

Q When was that? A That was in '92 I was elected.

Q Was he living out there at this same place? A Yes, sir.

Q On a farm? A Yes, sir.

Q Have other members of his family besides his wife? A Yes, sir.

Q Do you remember any of them? A I do, sir.

Q What were their names? A Has one boy named James, or Jim they call him, the other boy I am acquainted with him but I don't know his name.

Q Is Rector Adams alive? A No, sir.

Q When did he die? A Well, I can't tell you when he died, he died five or six or seven years ago, I don't know exactly when.

Q He died up there on that place: where did he die? A He died I presume at his home: I don't know where he died.

Q Have you seen his wife since then? A No, sir, I haven't.

Q Well, what is your judgment as to how long you knew him before he died, this man Adams? A I knew him several years before I was elected County Clerk, I lived in the county before I was elected County Clerk, seven miles northeast of Mound City, six miles west and a mile north, and I was acquainted with him until after I was elected Clerk, but I have heard of Rock Adams before I came to live in Mound City.

Q I believe you stated he owned property, owned a farm?
A Yes, sir.
Mr. Smith: What is your name? A J. F. Hawkins.
Q What is your postoffice? A Mound City, Kansas.
Q Mr. Hawkins, your first knowledge of the people you testified about began in '91 you say? A No, sir.
Q When? A I heard of Rector Adams before that.
Q I am not talking about what you heard. I am talking about what you know? A Well I knew Rector Adams after I was elected Clerk of Lynn County.
Q That was in 1891? A Yes, sir, fall of 1891.
Q You didn't know Rector Adams or his wife either before that?
A Not personally, no, sir.
Q Then you only know at that time Rector Adams and his wife were living in Kansas; you don't know how long he had been living there of your own knowledge? A No, sir, not before '91 I don't know.
Q How long did you live there? A I lived in Mammoth Lynn County 33 years last July.
Mr. Hastings: How long have you lived in Mound City? A Ten years.
Q And prior to the time you went there you lived near Mound City?
A Well, I was living in two different places in the County.
Q It was out of town? A It was out of town, yes, sir.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 10th of December, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

Freed. D 680

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1906.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellote & Smith. Cherokee Nation by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to admit the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Polly Lowdyer, D 849,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedman D 248

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on May 10, 1901, Polly Landrum appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, on June 10 and 11, 1901, and at Vinita, Indian Territory, October 2, 1901.

The evidence shows that Polly Landrum was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, she was taken out of the Cherokee Nation and did not return thereto and establish her residence until about 1895.

The name of the said Polly Landrum is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Polly Landrum, as a Cherokee Freedman, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W E Hensley
Commissioner.

Muskogee, Indian Territory,
this MAR 5 19[illegible]

JUN 17 1901
FILED
COMMISSIONER OF THE DAWES COMMISSION
DEPARTMENT OF THE INTERIOR

Muskogee, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of May 10th, 1901, in the matter of the application of Polly Landrum for the enrollment of herself as a Freedwoman of the Cherokee Nation.

Attorney for Applicant.

Cherokee r. 40248.

Dup

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of May 10th, 1901, in the matter of the application of Polly Landrum for the enrollment of herself as a Freedwoman of the Cherokee Nation.

Mellette & Smith
Attorney for Applicant.

Cherokee F. #3248.

70 248

of 1

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of .....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

SEP 30 1901

.....day of ....., 190..

Mellett & Lynch

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of ..... A. D. 190....

.....

Subscribed and sworn to before me

this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of Polly Landrum for enrollment as Cherokee Freedmen:

Case No. F. D 248

To Polly Landrum or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on Oct 3d at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 30th 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee F.D-248

Muskogee, Indian Territory, March 16, 1904.

Polly Landrum,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1904, rejecting your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Register.

Enc. G-17

COPY

Cherokee F.D-248

Muskogee, Indian Territory, March 16,1904.

Edgar Smith,
Attorney for Polly Landrum,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16,1904, rejecting the application of Polly Landrum for enrollment as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Register.

Enc. G-18

COPY.

Cherokee F.D-246

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Polly Landrum for enrollment as a Cherokee Freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. G-19

Commissioner in Charge.

COPY

Cherokee F.D-248

Muskogee, Indian Territory, March 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman, together with the Commission's decision, dated March 5, 1904, rejecting said application.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. 6-20

(COPY.)

Refer in reply to the following:

Land 19275-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 24, 1904.

The Honorable,

Secretary of the Interior.

Sir:

I have the honor to enclose herewith report of the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting record relative to application of Polly Landrum for enrollment as a Cherokee Freedman. The record in this case shows that Polly Landrum was the slave of Pauline, or Kiny Landrum, a citizen of the Cherokee Nation, at the commencement of the Rebellion; that she was taken out of the Cherokee Nation during the war and did not return thereto prior to February 11, 1867. Her name is not found on the authenticated roll.

In view of the record, the approval of the Commission's decision of March 5, 1904, adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-B

W.C.P.

THE

J.P.

D.C. 18826-1904.

I.T.D.4284-1904.

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 2, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record in the matter of the application for the enrollment of Polly Landrum as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter May 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedman
D 248

Muskogee, Indian Territory, June 14, 1904.

Polly Landrum,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 8, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 248

Muskogee, Indian Territory, June 14, 1904.

Edgar Smith,

Attorney for Polly Landrum,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Polly Landrum as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 248

Muskogee, Indian Territory, June 14, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Polly Landrum as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

M89

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R 381

Muskogee, Indian Territory, July 7, 1904.

Polly Landrum,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of June 28, asking for a copy of the testimony and decision in the matter of your application for enrollment as a Cherokee freedman.

There is accordingly herewith inclosed a copy of the testimony taken in the matter of your application for enrollment as a Cherokee freedman, a copy of the Commission's decision of March 5, 1904, rejecting your said application, and a copy of the Department's letter of June 2, 1904, affirming said decision.

In this connection you are advised that on March 16, 1904, a copy of the Commission's decision in this case was forwarded to you at Vinita, Indian Territory, and that the letter forwarding the same was returned unclaimed.

Respectfully,

Commissioner in Charge.

Encl. T-7

Register.

Department of Interior,

E-561.

Muskogee, Indian Territory, September 24, 1904.

Polly Landrum,

Care of L. E. Hamilton,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of September 7, asking to be advised as to the status of your application for enrollment as a Cherokee Freedman.

There is accordingly herewith enclosed a copy of the testimony taken in the matter of your application for enrollment as a Cherokee freedman, a copy of the Commission's decision of March 5, 1904, rejecting your said application and a copy of Department's letter of June 2, 1904, affirming said decision. In this connection you are advised that on March 16, 1904, a copy of the Commission's decision in this case was forwarded to you at Vinita, Indian Territory, and that the letter forwarding same was returned unclaimed; that on July 7, 1904, there were mailed to you, by registered letter, at Vinita, Indian Territory, the enclosures this day sent, and the letter was likewise returned unclaimed for.

Respectfully,

Encl. E-96.
Register.

Chairman.

Muskogee, Indian Territory, May 29, 1906.

Blue & Bagby,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

EMF

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bolger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
R-181

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 26, 1906.

Polly Landrum,

Vinita, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee Freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Wm. O. Beall

Acting Commissioner.

MMC

V. F. D. 248.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 10 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901

Post Office Vinita, I. T.

District Del.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Polly Landrum Age 75

Owner's name Caroline Landrum Citizenship Cherokee

K.C. Roll Page 164 No. 2477 District Coo.

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by (1) Stenographer John Rosson

Denied

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Polly Landrum,
Vinita, I.T.
Cherokee F-D-248
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

4/15
#98
#777

REGISTERED
MAR 1 1904
VINITA, IND. TER.

Return to Writer.
UNCLAIMED.

~~Polly Landrum,~~

~~Vinita, Indian Territory.~~

REGISTERED
APR 25 1904
VINITA, IND. TER.

APR 26 1904

VINITA, I.T.
APR 25
4:30PM
1904

REGISTERED
MAR 19
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

10036

FR381

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198

Polly Landrum,

[illegible] Indian Territory.

REGISTERED
JUL 8 1904
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

AUG 11 1904

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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~~Polly Landrum,~~

~~Vinita, Indian Territory.~~

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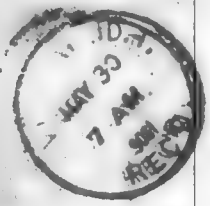
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Cher. Fr. R. 300

See Cher. Fr. D. 415, 122

Cher. Fr. R. 382

CHEROKEE FREEDMEN R. 382.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Vann and James Vann as Cherokee Freedmen.

MOTION FOR REHEARING.

Comes now the applicants, Mattie Vann and James Vann, and move the Honorable Secretary of the Interior to grant them a rehearing in this case.

The record in this case shows that on June 13, 1901, Bettie Vann appeared before the Commission to the Five Civilized Tribes at Chelsea, Indian Territory, and made application for the enrollment of her minor children, Mattie and James Vann, as Cherokee Freedmen; proceedings had at Vinita, Indian Territory, on May 23, 1901, in the matter of the application of Josh Vann; at Chelsea, Indian Territory, on June 13, 1902; at Vinita, Indian Territory, on October 12, 1901; at Muskogee, Indian Territory, on April 15, 1902, May 16, 1902, and June 30, 1902, which filings were made a part of the record in this case.

Application was also made for the enrollment of Bettie Vann as a Cherokee Freedman by intermarriage, but she has been differently classified and we do not represent her, and therefore ask that this Motion be not considered as applying to her application.

The evidence shows, and the Commission to the Five Civilized Tribes so found, that the applicants, Mattie Vann and James Vann, were born subsequent to 1866 and are the children of one Jesse Vann. The evidence further shows, and the Commission so found, that Jesse Vann was born since 1866 and is the son of one Susan Pea who was the slave of a Cherokee Citizen at the commencement of the rebellion and removed from the Cherokee Nation, and the Commission decided in her case that she did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc., vs. the Cherokee Nation, et al., for

the return of Freedmen to said Nation, and that the only rights to enrollment as Cherokee Freedmen that Jesh Vann and Nesse Vann could claim would be the descent through their said Mother, Susan Pea.

The Commission also found that the Children of Jesse Vann, the applicants, could claim no rights which he, Jesse Vann, did not possess, and on April 20, 1904 the Commission to the Five Civilized Tribes decided that the applicati ons for the enrollment of Mattie Vann and James Vann as Cherokee Freedmen should be denied and this finding of the Commission was afterwards affirmed by the Honorable Secretary of the Interior on June 4, 1904.

The attention of the Department is called to the fact that on March 8, 1904, the Commission to the Five Civilized Tri bes rendered a decision rejecting the application for the enrollment of Susan Pea, Jesh Vann et al; that said decision was forwarded to the Honorable Secretary of the Interior and on September 15, 1905, the Honorable Secretary of the Interior reversed the decision of the Commission to the Five Civilized Tribes, and ordered the Commissioner to enroll Susan Pea, Jesh Vann and all of the other applicants embraced in that case.

In view of the fact that since the finding of the Commission to the Five Civilized Tribes rejecting the applications for the enrollment of Mattie Vann and James Vann on April 20, 1904 and the approval of said decision by the Department on June 4, 1904, the Department having decided on September 15, 1905 that Susan Pea, the Mother of Jesse Vann, through whom applicants claim, was entitled to be enrolled as a Cherokee Freedman we respectfully ask that the decision of the Commission to the Five Civilized Tribes in the case of Mattie Vann and James Vann should therefore be reversed and the Honorable Commissioner to the Five Civilized Tribes directed to enroll Mattie and James Vann as Cherokee Freedmen.

In the event the Department does not take the same view of this case as we do and order the applicants enrolled, then we ask that a rehearing be ordered and that theapplicants be permitted to introduce testimony upon the point that Jesse Vann, during the times he may have been absent from the Cherokee Nation, owned valuable improvements and personal property in the Cherokee Nation during all of said times he was present

absent from said Nati on, and therefore did not forfeit his rights of citizenship in said Nation. An affidavit is attached in support of this Motion to show the ownership of said property.

Respectfully,

Starr & Patten.

ATTORNEYS FOR APPLICANTS.

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UNITED STATES OF AMERICA,
INDIAN TERRITORY } ss.
WESTERN DISTRICT

J. C. STARR, of lawful age, being first duly sworn, on oath states that he is one of the Attorneys for Applicants in the above set out Citizenship case; and that this Motion is made not for the purposes of delay but in order that justice may be had.

J C Starr

Subscribed and sworn to before me this 11th day of June, A. D., 1906.

Jessie Patten.

NOTARY PUBLIC.

My commission expires December 18, 1909.

A F F I D A V I T.

UNITED STATES OF AMERICA,
INDIAN TERRITORY } ss.
WESTERN DISTRICT

On this day personally appeared before me the undersigned, a Notary Public within and for the Western District of the Indian Territory, Josh Vann, who being duly sworn, on his oath says:-

"My name is Josh Vann. My age is 48 years and my Post Office is Ketchum, Indian Territory. I was acquainted with Jesse Vann, the father of the applicants, Mattie Vann and James Vann, during his lifetime and I know that during all times that he was out of the Cherokee Nation hunting work for a living that he kept his property in the Cherokee Nation, Indian Territory. I know that he had a cow, a pony and some hogs and other personal property in the Cherokee Nation during the time that he was out at work. I know that during all of the trips that he would make out of the Cherokee Nation that he owned property in the Cherokee Nation during his said absence.

JOSH VANN

Subscribed and sworn to before me this 12th day of June, A. D., 1906.

JESSIE PATTEN
NOTARY PUBLIC.

(SEAL)

My commission expires December 16, 1909.

FILED
JUL 5 1906
COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nattie Vann and James Vann as Cherokee Freedmen, D. D. 726.

Protest of Cherokee Nation Against Motion to Reopen.

We respectfully submit that the motion for rehearing filed in this case should not be granted. The record shows that they were rejected by the commission on April 28, 1904, and by the Secretary of the Interior on June 4, 1904. This case should not be confused with the Josh Vann case, because a careful reading of the case discloses the fact that Jesse Vann, the alleged brother of Josh Vann, left the Cherokee Nation in the year of about 1889, went to Florence, Kansas, where he married and lived with his wife something like ten years, the exact date of his return not being disclosed, except that it is stated by some witnesses that his eldest child, Minnie, was some three or four years of age, and according to the testimony he was born in 1885, whereas according to the testimony of others it was about the time of the Cherokee Strip Payment or a little before, and this was in 1894. Anyway, it was between 1889 and 1894 that he returned and if he left here in 1889, he was gone to Kansas, where he married and lived, between eight and twelve years, and we submit that if he ever had any rights in the Cherokee Nation he forfeited his rights by non-residence in the State of Kansas.

Strange enough, attorneys for applicants attach an affidavit of Josh Vann. Josh now tries to make out a case for his dead brother's children by alleging that he had a cow and a pony and some hogs and other personal property in the Cherokee Nation during his absence. Yet this same Josh Vann testified before the Commission on June 12, 1901, at Vinita, for these children, and at that time he never remembered a thing about Jesse retaining any personal property in the Cherokee Nation in order to keep his citizenship there. Ample opportunity was given these witnesses, one of them was Josh Vann, to tell all he knew in behalf of the applicants,

and when he was before the Commission in June of 1901 his memory was exceptionally defective, and we submit now that the record showing from the testimony of the witnesses themselves that Jesse Vann married and lived in the State of Kansas some ten years, that he forfeited his right to citizenship if he ever had any in the Cherokee Nation, and we submit that no motion for a rehearing should be granted upon the ex parte affidavit of the witness who had previously appeared before the Commission and been examined and cross-examined as to what he knew with reference to the case.

Respectfully submitted,

(Signed) W. W. Harlan Jr

Attorney for the Cherokee Nation.

E #W 725

(1)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 28 1901

[redacted] ACTING CHAIRMAN.

To be filed in case of James and Mattie Vann, CFD-728.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 23d, 1901.

In the matter of the application of Josh Vann for the enrollment of himself, wife and four children and his mother as Cherokee Freedmen; said Vann being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Josh Vann.
Q How old are you? A About 45 I guess.
Q What is your post-office? A Ketchum.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A My mother.
Q Is she unable to apply for herself? A Yes, sir, she is sick and aint able to get around.
Q How old is she? A She is about 75 years old.
Q Then yourself and your mother? A Any my children.
Q How many children have you? A Four.
Q Have you a wife? A Yes, sir.
Q Don't you want to apply for her? A No, sir, shedon't belong.
Q Are you and she living together? A Yes, sir.
Q What is she? A She is a colored woman, married her in the States.
Q You had better apply for her, you can't tell what her rights may be? A All right, and my brother's children, he is dead.
Q Are they orphans? A They have got a mother.
Q What has become of her? A She is living.
Q Are the children living with her? A Yes, sir.
Q She had better apply for them? A All right.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation about 34 or 35 years.
Q Where did you live before that? A Lived some time in Kansas.
Q Where were you born? A Born in Saline District.
Q You were born in the Cherokee Nation? A Yes, sir.
Q Were you taken to Kansas during the war? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life except when you were in Kansas that time? A Yes, sir, that has been my home all the time.
Q You had never made your home anywhere else? A No sir.
Q Give me the name of your father? A His name was Cull Vann.
Q Give me the name of your mother? A Susan Pee or Vann.
Q Is your father alive? A No, sir.
Q How long has he been dead? A I don't know.
Q Is she alive? A Yes, sir.
Q What is her present name? A Susan Pee.
Q How long has she borne the name of Pee? A About 35 years.
Q Give me the name of your wife? A My wife's name, Callie.
Q How old is your wife? A She is 41 years old.
Q Where did you marry her? A I married her in Newton, Kansas.
Q How long ago was it you married her? A In '97.
Q You had been married before that that you? A Yes sir.
Q How many times have you been married altogether? A Three times.
Q Give me the name of your first wife? A Her name was Malinda.
Q When did you marry her? A I married her in '75.
Q Where did you marry her? A On Grand river in Delaware District.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is she dead? A Yes sir.
Q How long has she been dead? A It has been about she died in '88.
Q Give me the name of your second wife? A Her name was Mattie.
Q When did you marry her? A In '84, no, it was '85.
Q Is she dead? A Yes, sir.
Q When did she die? A '91.

Q Was she a Cherokee Freedman? A No, sir.
Q Where did you marry her? A I married her at Florence, Kansas.
Q Now your present wife, has she any right to enrollment of her own, or only by right of marriage?A Only by marriage.
Q Give me the names of your four children?A George Vann.
Q How old is George? A He is 16 years old, be 17 in June.
Q How old is James?A 14.
Q Give me the name of the next child? A Gull.
Q How old is Gull? A He is 12.
Q Give me the name of the next child? A Eva.
Q How old is Eva, A She is 11.
Q That is all is it?A Yes, sir.
Q Are these children all living now? A Yes, sir.
Q Who is the mother of George? A Mattie.
Q Who is the mother of James? A Mattie.
Q Who is the mother of Eva? A Mattie.
Q Who is the mother of Gull? A Mattie.
Q These are all the children of your second wife? A Yes, sir.
Q Have you a certificate of marriage to your wife, Mattie?A Yes, sir, but it is at home. There is a man here that was a witness on the certificate.
Q Is there a man here that saw you married to her? A Yes, sir.
Q where is he? A He is out here, George Lynch that is, he signed a certificate of the marriage, he was not there when we married.

GEORGE W. LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A George W. Lynch.
Q How old are you? A I was born in 1852.
Q What is your post-office?A Vinita.
Q In what district do you live? A I live now in Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Well, I guess about 48 years.
Q Do you know the applicant here, Josh Vann? A Yes, sir.
Q How long have you known him? A Well, I guess I have known him 25 or 30 years.
Q Have you seen him frequently for the last 25 or 30 years? A Well very frequently with the exception of about five years of the time.
Q What five years was that? A Well, recently.
Q The last five years? A Yes, sir.
Q He has been married has he? A Yes, sir.
Q How many times has he been married? A Why I don't remember of his marrying but twice.
Q Where was he married the first time as far as you can remember? Q Well, sir, the first time I don't remember where he was married at, but I was away and I come back and he was married, but I don't remember right where he married, but I do know he had a wife when I get back and was living with her.
Q Where was he living the next time? A Well the next time, I could not say where he married them; he married during this last time that he went away, the last five years I said, I don't know, I wasn't with him, during his absence then he married.
Q Well do you know the names of the women he married? A Well, one name was, I think the first one was, went by the name of, well I didn't know, but I heard she went by the name of Mattie, Smith before he married her.
Q You didn't know her yourself? A Yes, sir, I knew her after.
Q She is dead isn't she?A Yes, sir, she is dead
Q You have no personal knowledge of his ever having married before he married Mattie Smith?A If he did I didn't know it.
Q Did you know Mattie Smith during she her lifetime? A Yes, sir.

Josh Vann et al #

Q Did you know her as this man's wife? A Yes, sir.
Q Are not you one of his witnesses on his marriage certificate?
A Not as I know of; I know he married some time after that at that time; I know he married, they stayed at my house and his wife was my wife's sister at that time.
Q Do you mean this wife's Mattie, was a sister of your wife?
A Yes sir.
Q Well where did he and this woman Mattie marry? A Well now I will tell you again, they married at my absence and I would like to be positive if I tell that, I don't know.
Q Where were you when they married? A I, as well as I remember, was traveling with a show.
Q You don't know where they were married? A I was gone away about a year and come back.
Q You don't know where they were married do you? A Well I tell you I don't was not positive.
Q Do you know how long they lived together as husband and wife?
A Well, as well as I can remember it was somewhere in the neighborhood of ten or eleven years, as well as I can remember.

JOSH VANN, the applicant re-called;
Q You say you have a certificate of marriage to that last woman?
A Yes, sir, and I will produce it, but I haven't got it here.
Q What was the name of this woman, Mattie, before you married her?
A Mattie Smith.
Q How old was she when she died? A I guess she was about 29 or 30 years old, I don't know exactly.
Q Was she ever married before she married you? A Yes, sir.
Q How many times? A once as far as I know; I don't know only what she told me.
Q Was that husband dead when she married you? A Yes, sir.
Q How long has your mother lived in the Cherokee Nation? A All her live, only what time she was out as I understand.
Q All her life except a while during the war and little after?
A Yes, sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his father or mother not found thereon.
The 1896 census roll of Freedmen of the Cherokee Nation examined and applicant's name and those of parents of applicant not found thereon.

Q Was your family on the roll of 1880? A I don't know.
Q You are not? A No, sir.
Q Where was George Vann born? A Born in Delaware District.
Q Where was James born? A Delaware District.
Q And Gull and Eva? A Same, Delaware District.

The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
page 156 #3853 Josh Vann, Geowesecowee Dist.
Page 156 #3852, Susan Poe, or Vann, Geowesecowee Dist.
Page 158 #4032, James Vann, Geowesecowee Dist.
Page 162 #4033 Gull Vann, Geowesecowee Dist.
Page 163 #4034, Eva Vann, Geowesecowee.

Q Who can that George Vann be 50 years of age there? A I don't know, there has somebody made a mistake.
Q There is no other George Vann of your family? A No, sir.

Page 148, #4031, George Vann, Geowesecowee District, 50 years of age.

Josh Vann et al 4

Q Are you on the Wallace roll? A Yes, sir.

The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 164, #2056, Joshua Vann, Tahlequah District.

APPLICANT: Wasn't any of them (children) enrolled on the Wallace roll.
Q You were carried to Kansas were you during the war? A Yes sir.
Q When were you taken there? A Well, I can hardly remember.
Q When did you come back? A We come back along in the summer as well as I can remember of '66.
Q In the summer of 1866? A Yes, sir, it was warm weather.
Q Were you a slave in the Cherokee Nation when the war broke out? A I guess so, my mother was.
Q To whom did she belong? A Joe Vann.
Q Was your father a slave? A No, sir.
Q He was a non-citizen was he? A No sir, he wasn't a non-citizen.
Q Was he a Cherokee Freedman? A No sir, he was a Cherokee, they tell me, I don't know, the folks tell me he was.
Q Were he and your mother regularly married? A No, sir.
Q Are you the only child of his? A Yes sir.
Q Your mother has other children? A Yes, sir.
Q Has she children by the name of Pee? A Yes sir.
Q How many children has she of that marriage? A Had four, there is two living.
Q How does it happen that you are not on the roll of 1880? A I could not tell you.
Q Where were you at that time? A On Grand river.
Q How does it happen that your mother is not on the roll of 1880? A I couldn't tell you that, they just didn't put us on.
Q Do you remember having applied for enrollment in 1880? A Yes, sir.
Q And what did they say to you? A They didn't say anything, only just taken our names, taken all the names.
Q Did they refuse you at that time? A No; taken our names, I don't know what they done with them.
Q That's all you know about it? A Yes, sir.
Q How does it happen that you was not on the roll of 1896? A I was not here.
Q Where were you? A I was up in Kansas.
Q What were you doing up there? A I was working part of the time.

BY W. W. HASTINGS, Cherokee Representative:

Q What was your step-father's name? A Charley Pee, one of them was named Charley Pee.
Q Where was he and your mother married? A They was married in Kansas.
Q During or after the war? A It was right away after the war.
Q After peace was declared? A Sometime about that time.
Q You remember that? A I remember a little about it, not a great deal.
Q You remember when your mother was married? A Well, yes, sir, I remember some thing about it.
Q About how old were you when the war closed? A I guess that I was about eight or ten years old, I don't know my age exactly.
Q What was the oldest child's name that your mother had by your step-father, Charley Pee? A Lettie.
Q Was Lettie older than Jesse? A No, sir.
Q Was Lettie younger than Martha? A No, sir.
Q Then Jesse and Martha are not children of your mother by Charley Pee? A No, sir.
Q Is Lettie living? A Yes, sir.

Josh Vann et al 5

Q Where does she live now?A Vinita.
Q Is she married? A Been married.
Q How old is she? A I would think she is about 38.
Q Where was Lettie born? A She was born in the Cherokee Nation.
Q There? A Up close to the line of Kansas.
Q Do you remember going back with your mother after the war?
A I remember a little about it.
Q How did you return to the Cherokee Nation? A In a wagon.
Q A hor se wagon? A Yes, sir, we had a mule team.
Q Did you have more than one team?A Yes, sir, we didn't have but one wagon though.
Q Did you have two teams to the one wagon? A No, sir, didn't have two teams to the one wagon, but had more thanone team.
Q Did you bring them along with you? A Yes sir.
Q Did any others besides your own family come b ack with your step father and mother, any other colored people I mean.
Q Why, there was another family came down whenhe first come down there before he come and got us, when mothere and us come that time.
Q He come down here than first, before you and your mother?
A Come a little while before we did, he come in the spring.
Q And he came back after you and you all came in the summer following? A Yes, sir.
Q New to what point in the Nation did you return? A Down here on Russell Creek.
Q How far from Chetopa, Kansas? A About three miles, maybe a little more.
Q You located there that summer? A Yes, sir, we stopped there that summer.
Q Built a house?A Built a little shanty in the fall like.
Q How long did you remain there at that place? A We stayed there that winter.
Q The winter of '66 and the first part of '67? A Yes, sir, we stayed there until the next spring.
Q What did you do during that summer and winter? A I didn't do anything.
Q What did your step-father do? A He went backwards and forwards back up towards Kansas, somewhere, wasn't doing anything.
Q Did you have any neighbors up there? A Not as I know of.
Q You never saw any at all? A No, sir.
Q Did you raise any crop? A No.
Q Where did you get anything to eat? A I told you he went backwards and forwards up in Kansas and bought it I guess, might have stold it, I don't know.
Q Did he ever go up to Chetopa?A Wasn't any Chetopa.
Q About how far from where Chetopa now is, I think you answered it a while ago? A About three miles.
Q On which side of the M. K. & T. Railroad, east or west? A It is east of the M. K. & T. Railroad.
Q About how far? A About two miles and a half or three miles.
Q Do you know who owns a farm up where that is now? A No, sir, I don't.
Q Well what did you do, leave there? A Why we went the next spring back across there in the States.
Q In Kansas?A Yes sir.
Q What part of Kansas? A We went over there where Chetopa is now and from there across the river, crossed the river on the other side, what is called Neutral land, or something of that kind.
Q About how far from Chetopa? A About two mil es and a half.
Q North? A Northeast.
Q Well, how long did you stay there? A Stayed that summer and until fall like at last x and then we came back to Russell Creek.
Q In the fall of '67 you returned then to where you had been previous to that?A Yes, sir.

Josh Vann et al #

Q How long did you live there? A We lived there that winter & part of the winter and we went back over across the line.
Q That was some time in the winter of '67? A I think it was.
Q And how long did you live up in Kansas that time? A Oh, we stayed there all the next year.
Q All the year of '68, and then when did you return to the Cherokee Nation? A We stayed there until the fall or winter of '68 I think, I aint sure now, and then we come back to the Nation and moved down on Verdigris.
Q That was in '69? A I think so.
Q Well, now, to what point on the verdigris did you come then? A Right where the Creek line crosses the verdigris river.
Q Well, how long did you remain there? A Stayed there one winter.
Q Where did you go from there? A Moved on Grand river.
Q And that must have been about the year '70 or '71 if? A Somewhere along there.
Q Now, what point on Grand river did you go? A Went over there close to Bryant's salt lake.
Q In Saline District? A No, sir.
Q On the west side of the Grand river? A Yes, sir.
Q How long did you stay there? A About a year.
Q And then where did you go? A Up on Grand river in Delaware District.
Q And that that was '72 or '73 was it? A '72 I believe.
Q Well when did you go back to Kansas after that? A I went every once in a while.
Q Well when was the first time you went? A I went back to Kansas and herded cattle for a man in '72.
Q On what place? A Right at the head of Russell Creek.
Q How long did you stay up there? A I stayed up there that once summer and winter.
Q You were married up there the first time? A No, sir.
Q Where were you married the first time? A On Grand river.
Q When was that? A In '73 I believe some where along there.
Q Who married you? A Colored preacher.
Q What was his name? A Named Fred Martin.
Q Did your mother ever go back to Kansas after she moved down on Verdigris river as you stated about '69? A No, she didn't go back from Verdigris.
Q I mean did she ever go back to Kansas after that time? A Oh, yes, she has been back to Kansas.
Q When did she go back after that? A She went back in, it was '69 or '70, I don't remember.
Q Where did she go? A Chetopa.
Q How long did she remain up there at Chetopa at that time? A Not a great while, I don't think.
Q About the best of your judgment? A Well she has been back there seven or ten times, she would go there and work, but I don't remember just how long she did stay.
Q As much as a year or two? A No sir, she didn't stay that long.
Q When did you and she finally settle down and locate in the Cherokee Nation and where? A I told you she moved up here on Grand river about '72.
Q Make a place up there? A Bought a little place up there.
Q You were married once in Kansas were you not? A Married twice in Kansas.
Q The second and third times? A Yes, sir.
Q When were you married in Kansas? A '77.
Q What was your name at the second time was it? A I married twice.
Q Where were you married in Kansas? A In Marion County, Kansas.
Q How far is that, how far from Kansas City? A About 175 or 200 miles by rail.
Q Did you marry a State raised woman? A Yes, sir.
Q What were you doing up there? A I went up there to work.
Q How long had you been

Josh Vann et al v

A About four months.
Q Where did your wife die, see my wife? A Died in Vinita.
Q How long had she been in Vinita, when she died? A About a month.
Q When did she die? A Died in '91.
Q Now you married your third wife in Kansas? A Yes, sir.
Q What place? A Newton, Kansas.
Q How far is that from Marion? A About 25 or 30 miles west of Marion.
Q Your second wife was State raised? A Yes, sir.
Q How long have you known her before you married her? A About 4 years.
Q Is she alive? A Yes, sir.
Q When did you come back from Kansas this last time? A Come back in July.
Q This last July? A Yes, sir.
Q You don't know whether you got provisions to eat there when your step-father went back to Kansas after the war? A That is the only place we could get them.
Q You had no neighbors around you to get anything to eat off? A No neighbors there.
Q No neighbors to work for? A No sir.
Q What did you build your house out of, logs? A Logs, poles.
Q Covered it with poles? A Yes, sir.
Q One log house was it? A Yes sir, one log roomed shanty.
Q Was there a road anywhere near you, big travelled road; how far were you from the old Military road? A The Military road run there towards Baxter; Baxter would be the nearest place.
Q And this old road that runs through this country up there.
Q That would be pretty near as east as nigh as I would know about it, I never traveled that old Military road only from along the line coming from Baxter Springs.
Q Have you any children of your last wife? A No, sir.

BY COMMISSIONER BRECKINRIDGE:
Q How many children you say your mother has by her husband, Rae? A Four.
Q Where were they born? A In the Territory.
Q All of them born in the Territory? A Yes, sir.
Q Your wife, Mattie, you stated died in Kansas? A No, sir.
Q Where did she die? A Died in Vinita.
Q How long had she been in Vinita when she died? A About a month.
Q Had she been all her life up in Kansas before that? A No, sir.
Q How much of her time had she spent in Kansas after you married her? A Brought her down here in March, married her in November and brought her down here in March, the next March, '94.
Q Did she go back to Kansas after you married her? A She went back to visit her mother.
Q Did she spend much of her time in Kansas? A Two months.
Q Is that all the time she spend in Kansas during her married life to you? A Yes, sir.
Q Where is your present wife at this time? A She is in Kansas.
Q How long has she been in Kansas? A She went there last Fall.
Q You spoke of coming from Kansas last July? A Yes, sir.
Q Have you been here ever since you came from there? A Until last February, I have got my children up there going to school.
Q How long had you been in Kansas until you came in July? A Off and on ever since '95.
Q Do you keep a house up there? A Yes, sir, my wife lives there; she has got a home there and she makes her home there.
Q Where are your children now? A They are there going to school, I sent them up there in December.
Q Are you farming up there in Kansas? A Yes, sir.
Q What are you doing in the Territory, what business are you doing? A I work, on my own place, where I am here.

Josh Vann et al 3

Q And when you don't do that what business are you engaged in? A Working.
Q When you are not here where do you go? A To Kansas sometime.
Q What kind of business do you follow up there? A Doing public work.
Q Is that the kind of business you do up there? A Opening stone quarries.
Q Have you ever been called upon to vote up there? A No sir.
Q Have you ever voted for Congressman, Presidents, or Governor? A No sir.
Q Never voted for any office at all? A No, sir.
Q Where is your mother at this time, on her place in the Territory? A She is in Vinita sick.
Q What part of her time has she spent in Kansas, since the war closed? A Why she aint spent a great deal of it, I can't tell you how much.
Q Anything like half of her time? A No, sir, not one-fourth of it.
Q Have you spent as much as half of your time in Kansas since you first married there in 1883? A No, sir, after I married I moved my wife back, I went up there in the spring of '83 and staid until March and come back, that is in March, '84, and come back and remained here until '95.
Q Remained here all the time? A Yes, sir.
Q Didn't go out of the Cherokee Nation at all? A Well I went up there to visit her mother once; stayed a month; about '95 I had reason for going.
Q Well, where have you lived since '95? A I have stopped there part of the time with my wife and the other time when I had a chance I come back down here, slipped around in here, I got into a little trouble.
Q Little difficulty? A Yes, sir.
Q When did you get out of that difficulty? A Aint never got out of it.
Q You were scouting from 1895 on were you? A Yes, sir.
Q Have you been in the Cherokee Nation all the time after the last July? A Up until February when I went out.
Q Now from 1895 to the last July, were you up in Kansas all the time except when you would slip in? A Yes sir, only when I would slip in.
Q Is there any other testimony you want to introduce? A Yes sir.

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J.O.Rennon, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceeding in this case, and that the foregoing is a true and complete transcript of his stenographic notes he read.

(Signed) J.O.Rennon.

Subscribed and sworn to before me this 29th day of May, 1901.

(Signed) C.R.Breckinridge,
Commissioner.

Josh Vann et al continued. May 23, 1901.

(Former portion taken by stenographer, J.O.Rennon)

FILMORE HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Filmore Hicks.
Q How old are you? A 53, I will be.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q In what district do you live? A Delaware.
Q How long have you lived in the district? A Yes sir.

Q Do you know the applicant here, Josh Vann? A Yes sir.
Q How long have you known him? A I have known him about thirty years I reckon, personally.
Q You know his mother? A Yes sir.
Q How long have you known her? A I have known her about the same time.

Com'r Breckinridge asks applicant if he wants to interrogate the witness, and says no, not now.

Examined by Cherokee Representative, W.W.Hastings:
Q Where has Josh Vann been living for the past 20 years?
A I couldn't tell you where he has been all the time, he lived down there about Tan Yard Ford most of his time I think.
Q Where does Josh Vann live now? A I couldn't tell you where he lived now.
Q How many times has he been married? A I don't know.
Q Where was he married the last time? A I couldn't tell you.
Q You know that he is living in Kansas now and has a wife up there? A No sir, I don't know that.
Q Do you know that he is living in the Cherokee Nation? A No sir, I couldn't say, only I have seen him here.
Q When? A All this spring.
Q How about last year? A I never saw him last year.
Q How about the year before? A Wel, I don't know that I saw him the year before.
Q Have you seen him since 1898 up to this spring? A Well, if I have I don't recollect.

ARTHUR BEAN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Arthur Bean.
Q How old are you? A 58.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life time pretty much.
Q What part of your life have you been out of the Cherokee Nation? A I don't know what time; along in '62 or 3, I guess about then I was out.
Q You were never out except during the war? A No sir, I was out then.
Q Are you acquainted with the applicant here, Josh Vann? A Yes sir.
Q How long have you been personally acquainted with him? A I have known him pretty much all of his life time.
Q Well, did you know him during the war? A No sir, I knowed him before the war; I didn't see him during the war.
Q You knew him before the war? A Yes sir.
Q Was he a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q Where did you first meet him after the war was over? A After the war was over I met him up on Russell Creek in the first time I met him after the war.
Q In what year was that? A That was in '66.

Com'r Breckinridge, to applicant: Do you want to ask this man any questions in your own behalf?
Applicant: No sir, not now.

Examined by Cherokee Representative, W.W.Hastings:
Q Ain't, aint you a disputed citizen? A Yes sir.
Q Your name is not on the roll of 1880? A Yes sir.

Q Where was the applicant, Josh Vann, living,- how was he living was he living in a house when you first saw him after the war?
A Yes sir, kind of an old log house.
Q About how far from the Kansas line? A I don't know just how far that is, I think it is near about three miles if I mistake not.
Q Were you ever tried before the courts for anything? A Not in my life, I never was before one court but the clifton court; that's about all the courts I ever was tried in.
Q Who was with Josh Vann when you first saw him? A Aunt Sukey, his mother, and two more children I know.
Q What were their names? A Jess and Martha.
Q Was her husband with her? A Yes sir.
Q What was his name? A Named Pee.
Q Charley? A Yes sir.
Q About what time of the year was it you saw them? A Along about December I guess.
Q December of '66? A Yes sir, I guess alongabout, close on to Christmas.
Q You were coming down this way? A No sir, I was up in that country.
Q Just went up to see them? A No sir, not particular to see them, I was up looking at that country, me and several of the boys.
Q Who was with you? A Me and Art Tyner and Bean, Joe Bean.
Q What were you doing up there? A Just looking at the country.
Q How far was that from where you lived? A Forty miles I guess, maybe further.
Q Did they have anything to eat up there? A I guess they did they couldn't not have stayed without something to eat.
Q Did you eat with them? A Yes sir, such as they had, and that wasn't very much in them times.
Q Had they made any crop up there? A No sir.
Q You don't know how long they had been there? A No sir.
Q Did they tell you how long they had been there? A No sir, they didn't tell me anything about that.
Q You didn't ask anything about their past whereabouts? A No sir
Q Didn't you go on up to Chetopa and trade there? A No sir.
Q Why didn't you; you were there aren't? A There wasn't any Chetopa in there.
Q You remember that from five years ago don't you Art? A What's that.
Q That there was no Chetopa in '66 there? A I never did say that.
Q After you were excused awhile a go you went out down there to that white tent yonder? A Yes sir.
Q You took Capt A Not particular, he went there; I went there with him.
Q After consulting, you called Al Lynch, didn't you? A Yes sir.
Q And you all went around there to consult? A Yes sir.
Q What did you talk about? A Oh, that was out business.
Q Did you talk about this case? A No sir, that was our business around there, Mr. Hastings.
Q Did you talk about this case? A Not particular.
Q What did you say about it? A I don't have to tell my secrets you know.
Q You did talk after you were dismissed and put under the rule, you got all three of you together and talked about this case? A Yes sir, we talked about it; you sent us off, and we have got the privilege to do as we please out there, you know Mr. Hastings.
Q Did you all three agree that you had seen them in '66? A No, we made no agreements about that at all.
Q Did you all among yourselves say you saw? A No, we never made no agreements about that.
Q Did each of these witnesses there of his say you had been there parties in '66? A We talked about the case, but we didn't say anything about '66; I told them I knew Josh in his childhood.

and I knowed all of his folks.
Q And the rest of the boys knew the same thing? A Cap didn't know anything about it, he being too----
Q Did he know him in '66? A That's what he said, I sup pose.
Q He told you that out yonder awhile ago? A He told me that in here I guess.
Q Well he told you that out yonder? A Well I told you awhile ago I didn't have to tell my secrets; you are a secret order man aint you?
Q Well, how long did Josh and his mother and step-father live on Russell Creek? A I couldn't tell you.
Q When did you next see them? A Down on the river, about '68.
Q About how many years after you saw them up there? A I don't know how many, not very many years.
Q Do you think it was the next year? A They went down below, I heard they went dowlow, I don't know anything about that.
Q When did Josh tell you that? A He never told me at all.
Q Did he tell you that to-day? A He never told me that at all, I heard they went down about the old salt like below.
Q But you think it was about '68 when they came down to the river near you? A I guess it was about then.
Q Aint you positive? A No.
Q Why is it you are positive when you first saw them and you are not positive when you second saw them, and they lived right by you didn't they? A Well, I think it was '68.
Q You think it was about 2 years afterwards? A Yes sir.
Q To your best judgment? A Yes sir.
Q They were neighbors to you in '68? A Yes sir.
Q Has Josh been living there ever since? A Yes sir.
Q You swear that? A Yes sir.
Q Has he ever been married? A Yes sir.
Q What was his first wife's name? A I don't know sir.
Q Was she a State raised or a Cherokee? A I don't know; I knew he had a woman there as his wife, I didn't make no inquiry about that.
Q Was he married a second time? A Yes sir, I suppose he was, that's what I hear.
Q Where was he married? A I don't know where he was married the last time.
Q Where do you live now? A I live on Grand river.
Q Does Josh live down there by you? A He lived above me a ways/
Q About how far? A I guess about eight miles, about where I live.
Q You see him frequently? A Yes sir.
Q What does he do down there? A I don't know sir, I guess he tries to farm like the rest of us.
Q Did he make a crop this year? A I don't know sir, I haven't been up there.
Q Did he make on there last year? A I couldn't tell you; I don't think he did.
Q Did he make one there year before? A I couldn't tell you that either; Josh was out awhile.
Q When did he go out? A Oh it was been I guess a year or two ago.
Q Now give me your best judgment as to when he went out, if he did go? A I am giving it to you, best I knew.
Q You think it was about two years ago? A Yes sir, he got into some trouble, that's about as near as I can get at it.
Q About 2 years ago? A Yes sir.
Q To your best judgment how long was he gone? A I don't know just how long he was gone; it slipped my remembrance how long Josh was out.
Q When did he come back? A I think it was along some time about July, if I make no mistake.

Josh Vann et al cont'd.

Q That he came back? A Yes sir.
Q Been here ever since? A Yes sir.
Q You swear that? A Yes sir, I have saw him frequently ever since.
Q Is he married now? A Yes sir, I suppose he is, I heard he was.
Q Where is his wife? A I don't know sir.
Q You haven't seen her? A No sir, I just hear he was married.
Q You donot know where he was married? A No sir.
Q You didn't hear he was married up in Newton, Kansas? A No sir, I made no inquiry.
Q You didn't know he had been up in Kansas six years out of here? A No sir.
Q Did all of these people that you mention go up in Kansas at that time, in '66? A Me and George Eaton and amongst us.
Q Did the one people have any horses at that time? A They had a little pony team.
Q That's all you saw? A Yes sir.
Q No cows? A No sir, I couldn't see no cows.
Q Al Lynch wasn't with you when you went up there at that time? A No sir.
Q Cap Hicks wasn't with you? A No sir.

Com'r Breckinridge, to applicant; Any question now that you want to ask in your own behalf? A Applicant; No sir.

ALLEN LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Allen Lynch.
Q How old are you? A I am 51 years old.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Well, about all my life.
Q Are you acquainted with the applicant here, Josh Vann? A Yessir.
Q How long have youknown him? A I have known him ever since a little boy.
Q Did you know him before the war broke out? A Yes sir.
Q Have you known him ever since? A Yes sir.

Com'r to applicant; Any question you want to ask Allen Lynch in your own behalf? A Applicant; No sir.

Examined by Cherokee Representative, W.W.Hastings; Hastings; I don't care to ask him any questions.

Com'r Breckinridge, to applicant; Any particular point you want your witness to testify on?
Applicant; Yes sir, I would like to know what I have introduced the witness for was to prove when I returned back to this country.
Com'r; You want to interrogate him yourself? A No sir.

Com'r Examined witness;
Q Where was Josh Vann during the war? A In Kansas.
Q Did you see him up there? A No sir, I never see him in Kansas; I saw him when they went there.
Q When they were going there you saw them? A Yes sir.
Q Where did you first see him after the war closed? A See him up on Russell Creek.
Q How far was that from Kansas line? A Well, judge, I dont know exactly where the Kansas line was then, but it is about six or seven miles south of Chetopa now.
Q When was it you saw him there? A I saw him there along in August or September [illegible]

Q Were you living up there yourself at that time?A No sir.
Q What was the occasion of your being there? A I went up there to drive some cattle for a man, some steers that a white man some traded to Bill Foreman, traded some tinware, and he got me to drive the cattle.
Q Was anybody along with you? A Oh yes, me and this man and two white men.
Q That was the party?A Yes sir.
Q How did you happen to meet this man Josh Vann?A We went up there and I went to the house, and there I found him. I stopped there as I was coming on home.
Q What do you know about him since that time? A I know he has been around here in the country.
Q Where did youcnext see him after that time?A I don't know next time I saw him whether I saw him on Grand river or whether I saw him at Chetopa after Chetopa commenced;I don't know exactly.
Q What can you say of a definite character about having seen him since that first meeting down to this time?What do you know of where he has lived?A He lived with me three or four years and lived right there in the neighborhood.
Q When was that?A I can't tell you just exactly the time, but him and his family it was, he had that Mattie, they lived there on my place.
Q That accounts for four years; can you mention any other period that you have personal knowledge of him in?A He has been here that on until he got into this trouble, and I don't know where he went.
Q Was he living with you? A No sir, he was right around in the neighborhood until he had that trouble.
Q Where was he staying in the neighborhood?A Right there in the neighborhood where hismother is living now.
Q Was he staying on a place of his own? A On his mother's place.
Q Has he ever had a place of his own, or always lived with his mother?A I think he has always lived with his mother only when he lived with me and with Tobe Lynch awhile.
Q You don't know how far back he lived with you? A It must have been 13 or 14 years; it has been about two years since he left my place I guess.
Q And since that he has lived at his mother's place? A Yes sir.
Q All the time? A No, he has been gone two or three years.
Q Well but down to the absence that took place of lateyears? A Yes sir; he may have lived in town a year; I don't know; his wife lived here in town.
Q How far is hismother's place from where you live?A About three miles.
Q How did he make his home continuously at his mother's place from the time he left your place until he went on that stay some years ago? A No sir, I think he lived with Tobe Lynch 2 years.
Q So he lived with his mother with that exception did he? A Yes sir. To the bestof my knowledge about it.
Q How many times has he been married? A I think he has been married three times; I know, three times.
Q Did you ever see his first wife? A Yes sir.
Q Did you ever see his present wife? A Yes sir.
Q Where did you see her? A I hauled her out there here about two months ago, out there to his mother's, it must have been three months maybe, or two months, somewhere along there; it has been two or three or four months ago.
Q Where is she now, do you know? A No sir.

Examined by Cherokee Representative, W.W.Hastings;
Q Al, how far did you live from Josh when the war came up? A Well it must have been 15 miles, maybe further than that.

Q About how old was he when the war come up? A I don't think Josh was over 6 or 7 years old.
Q You remember seeing him when you stopped up on Russell Creek with his mother? A Yes sir.
Q You were driving some cattle at that time? A I drove a yoke of cattle up there.
Q Just one yoke? A Yes sir.
Q For whom? A The man was named Davis, and he got the cattle from Bill Foreman.
Q Where did you drive the cattle to? A I went up as far as Lebanon and then I returned back; I went up with them men and I come back alone.
Q Did you see anything of these people as you went up? A I don't remember; no, I don't know whether I stayed all night with them going or whether it was coming; but I stayed all night with them.
Q How long had they been there? A Well, I don't know, Mr. Hamtinge, how long they had been there.
Q You know from your conversation, you talked over old times didn't they tell you anything about their past history? A If their whereabouts? A Well, we talked over about how come them there, I don't know whether I asked them how long they had been there or not.
Q Had a log house did they? A Had a little log cabin.
Q How long did it appear to have been built? A Not very long; had little clapboards on it, new.
Q Had they made a little patch of ground there that year? A No sir, none at all.
Q Have any neighbors around near them? A No sir, not that I knowed; my nearest neighbors where I lived was down on Cabin Creek, them is the only folks I saw up there on down here.
Q From your folks up to Kansas that was the only house you passed? A Yes sir, that was the only house.
Q Was it on the big road? A There wasn't any road up there.
Q Just through the prairie? A Yes sir, prairie.
Q How did you happen to discover this place? A Well we crossed the creek two or three hundred yards, as near as I can recollect from where they had this house; after I saw them up there I was down here about a month after that and there come men from Garnett Kansas down here and they was hunting a couple of pair of mules, and they said Charley Pee and Charley Blackwell stole them mules and had run off down here somewhere, and they come in there I suppose to hide from the officers; that's all a pretense, I never asked them about it.
Q How long after you saw them there until you saw them down here near your place, on Grand River? A I couldn't tell you, it must have been along in '67 or 8, something along there when they moved down in the bottom there, I couldn't tell you exactly.
Q That was on Grand river? A Yes sir.
Q And near where they live now? A Yes sir, I think it must be two miles, or three, from where they first stopped, there are about three miles above now.
Q That was within a year, and at the most, within two years, you think, after you saw them up there? A I don't know whether it was that early or not.
Q Well, about how long after you saw them up there until you saw them on Grand river? A Why I just couldn't tell you when they moved up there.
Q How many children did Mrs. Pee have at that time? A Had three.
Q She had no children by her last husband, Charley? A If she did I don't remember it, not then, no sir.
Q What proportion did she have? A She had Josh and Jesse and Martha.
Q After you were examined a while ago you and Dag and Art had a conference about this case, didn't you? A No, we never said anything about this case.

Josh Vann et al cont'd ?

Q Never talked about it at all? A No sir, I never talked to anybody.
Q Didn't Art and Cap go behind that little white tent yonder and after talking the matter over call you around there? A They called me around there, but they was asking me about something else.
Q They wasn't talking about this case? A No; about this case; they never asked me about it, something else.
Q You never said anything about the case? A Not that I remember; we were talking about Joe Bean's case.
Q Well, you would have remembered it, it was only a few minutes ago, if anything was said you would have known it now? A Yes sir.
Q Didn't Cap and Art say when they saw this family up there?
A No, Art didn't say anything about when he saw them; Cap told me in town when he saw them.
Q When did he tell you? A He told me he saw them in October or September, '67, when he was herding cattle.
Q You never saw the Trott house up there when you saw them?
A He never had no house up there.
Q You never saw Albert Morris' coal mine there? A He never had no coal mine there then.
Q It wasn't there in '66? A It was there but it hadn't been developed.
Q You know where Josh married the last time? A He married in Kansas I think; that's what his wife told me.
Q She lives up there yet? A She is up there now.
Q She has lived there all the time hasn't she, since she married?
Q Only when she come and stayed across the river as I told you.
Q How long did she stay there? A I don't know; it must have been 3 months, maybe longer.
Q You know where Charley Fee and his family got anything to eat up there on Russell Creek? A They may have got it like the balance of us; we stole it when we got it.
Q Was there anybody to steal from? A Yes sir, we had lots of cattle and hogs and rabbits and onions.
Q What did you eat when you were up there? A I eat some beef and I eat some corn bread, and was glad to get that.
Q They didn't tell you what they were doing for a living? A No sir.

APPLICANT, JOSH VANN, re-called, and further examined;
By Commissioner Breckinridge:

Q Josh Vann, when you were scouting for several years from the Cherokee nation, what was the trouble with you? A Why I got into a little scrape down here at home, there was a fellow got killed, and they accused me of it.
Q Accused you of killing him? A Yes sir.
Q Is that the only matter you have ever been accused of? A That's the only one I have scouted from.
Q Have you ever been up before the courts for any offense, any charge? A Yes sir.
Q What? A Tried for whiskey and assault and attempt.
Q You ever been in prison? A Sent to prison you mean and convicted? A Yes.? A No sir, I never was convicted or nothing; I have been indicted in Delaware District court.
Q Many times? A Once only.
Q Have you any more testimony you want to introduce? A Yes sir, after you get nearer to where it is I do.
Q But this is all at the present time? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings;
Q Except for this sickness is your mother fairly strong?
A No sir.
Q Does she do her own work? A No sir.
Q Has she been confined to her bed, or room? A No, she is not

really confined to her bed, I don't know whether it is Bright's disease or what it is; if she gets a little bit warm she can't get her breath.

Com'r Breckinridge: The applicant applied for the enrollment of himself, his wife and four children, and for his mother who he states is old and infirm and unable to apply for herself.

The applicant is identified on the Wallace and Kerns-Clifton rolls, but not upon the roll of 1880 or upon that of 1896; his father, who is deceased, is not identified upon the roll of 1880, and his mother, who is living, is identified on the Kerns-Clifton roll, but not upon some other.

The applicant claims to have come to the Cherokee Nation within the time prescribed by the Treaty of 1866, and he has introduced considerable testimony upon that point; it appears from the testimony of one or more of the applicant's witnesses that since they were put under oath they have conferred together of about this case, and attention should be directed to that point; it further appears that for the past five years the applicant has been, until at least July last, a fugitive from justice, and has been living in the State of Kansas, according to his own testimony, constantly, except when he would come into the Cherokee Nation secretly; it does not appear that he has been engaged in business in the Cherokee Nation except upon his mother's farm; he has been married three times, and his present wife, whom he married in Kansas, is living there at this time, with the children, who he states are there attending school; his second wife he married in the state of Kansas, but he states that she lived almost exclusively in the Cherokee Nation, and died in the Cherokee nation; he married that wife in the year 1883, and she died in the year 1891; upon these conditions, and referring to the testimony generally, the applicant will now be listed as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his post-office address.

As for his present wife, it appears that she was married once before, but her former husband was dead when she contracted the present marriage to the applicant, and the applicant was married twice before, but his two former wives were dead when he contracted his present marriage; there is some personal testimony establishing the marriage in addition to that of the applicant, but his wife is a state woman, he married her in the State of Kansas, and in the year 1897; so that under the conditions stated, it is apparent that she is not entitled to enrollment at this time, and the application for her enrollment is rejected.

As for the four children named in the testimony, they are all four said to be living at this time; they are minors, and are identified on the Kerns-Clifton roll; it seems that these children were all born in the Cherokee nation; they are all children of the applicant's second wife, Mattie Smith, of the legality of whose marriage to the applicant there does not at this time appear any question; these minor children will now be listed for enrollment as Cherokee Freedmen on a doubtful card; their mother, apparently lawfully married to their father, possessed no rights of her own, she being a state woman.

As for the applicant's mother, she is identified on the Kerns-Clifton roll, but not upon the Wallace roll; so far as the evidence adduced goes, her right to enrollment appears to depend upon the period of her return from the State of Kansas, and of course her not being upon the roll of 1880 [illegible] indicates that she was not admitted to

enrollment for some material reason, the testimony is to the effect that she returned to the Cherokee Nation at the time her son did; it is not disputed that she was a slave of the Cherokee Nation at the time the war broke out, and a slave of a Cherokee citizen; she will not be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address, and as regards the other applications, namely, those for the applicant and his children, the final decision will be made known to him at his post-office address.

M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this May 28, 1901.

(signed)C.R.Breckinridge.
Commissioner.

M.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this August 24th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 8th, 1901.

SUPPLEMENTAL TESTIMONY in the case of Josh Vann, Cherokee Freedman D-415

Mellette & Smith attorneys for applicant.
James Davenport, attorney for the Cherokee Nation.

HARRY STILL called and sworn by Commissioner T.B.Needles as a witness for the applicant, testified as follows:

By Mr. Mellette-
Q What is your name? A Harry Still.
Q What is your age? A 54.
Q Where do you live? A Hayden.
Q In what Nation? A Cherokee Nation.
Q Do you know the applicant here? A Yes sir.
Q Did you know his mother? Know how did Susan Pee? A Yes sir I do.
Q Did you know her husband Charles Pee? A Yes sir.
Q Do you know when his mother Susan Pee or Vann, returned to the Cherokee Nation after the war? A Yes sir.
Q When? A When I got acquainted with Charles-when I found Charles it was bout the first part- the first time I ever saw him was in the fall a little before Christmas of 1866, on Russell creek.
Q In what nation? A Cherokee Nation.
Q You say that was the fall of 1866? A Yes sir a little before Christmas in the lastpart of '66.
Q There was Susan Pee? A Ehwas there too.
Q And she is the mother of this applicant? A Yes sir.
Q Do you remember if this applicant was a child then, or not?
A Yes sir a boy.
Q Was he along there at that time? A Yes sir, she had threechildren at that time.
Q And thiswas one of them? A Yes sir, Isaac, Josh and Martha was her threechildren then.
Q Now since that time have you know this applicant in the Cherokee Nation? A Yes sir, I am the man that moved them away from there.
Q Moved who? A This man here and his mother and brothers and sisters.
Q ~~Know where~~ Moved them from where? On Russell Creek.
Q From where you first saw them? A Yes sir.
Q Where did you move them to? A Timber Hill, the one nar the Creek line.
Q Is there two Timber Hills, in the Cherokee Nation? A There is 3 or 4 of them.
Q How long was]after the war that you moved them to Timber Hill.
A In '69 I think it was.

By Davenport-
Q When did you first think of the fact that you was there in '66?
A I have been thinking of it all the time.
Q You didn't testify in her case at Vinita? A No sir they never askedme to.
Q They applied there? A Yes sir.
Q You were there all the time? A No sir only one day.
Q You didn't see Susan Pee there did you? A Yes sir.
Q Was Josh there? A Yes sir.
Q You didn't talk about what you saw in there case until you came here? A Yes I did.
Q They applied there and then come here and asked you to testify for them? A I didn't know that Josh had applied there.
Q You have been here all the time with the Commission haven't you?
A Yes sir Most of the time.
Q You didn't know where this Pee family went to during the war?
A No sir.
Q Did you know anything about them when they was living at Napley was after the war? A No sir.
Q Do you know anything about them living at Ontoya after the war?
A No sir.
Q You just happened to see them up on Russell creek did you?
A No sir, I didn't just happen to see them, I went up there to marry aunt Nancy that died at Timber Hill and found them.
Q You also found the Robinsonfamily there then? A Yes sir.

Q You found al most ever colored family ~~[illegible]~~ in that part of the Cherokee Nation when you went to bury your aunt Nancy didn't you? A No sir, but I had as good a chance to meet up with some of them there as Jesse Cochran had to meet up with the people he testified about.
Q And you are patterning after Jesse Cochran are you? A No sir I am not, I am telling you what I saw and what I know and nothing except what I saw and what I knows.
Q Nancy Fee is not on the 1880 roll is she? A No sir, and I know the reason why, she was somewhere all the time and applied to be enrolled and they would not let her.
Q You were present when she applied were you? A Yes sir.
Q You remember the time s that she applied and that they wouldn't let her get on? A They wouldn't let her prove it at all, they wouldn't let her have the chance, they wouldn't let anybody have the chance.
Q Who was taking the proof at that time? A Chambers and Dr. Miller.
Q And you know that Suchie Fee tried to apply and they wouldn't let her? A Yes sir, and about 400 others.
Q They let you didn't they? A No sir not at first, they tried to make me come back home too, but I aint the kind to let them run me off and I just up and told them they must try me and they did.
Q You made the court try you did you? A Yes sir, I told Daniels that I lived 100 miles from here and that I wasn't going home, that he had to let me have a chance to prove whether I had a right or not that I wanted to know what they was going to do in my case.
Q And you are the only one the let prove his rights are you? A Yes sir the only one at that time.
Q When was that? A Just after the war.
Q What year? A I showed you my certificate.
Q That was in 1870, was you the only negro that they admitted in 1870 or '71? A Only one at that time.
Q What time of the year was that? A Some time in the summer.
Q Was it in July? A Yes sir I think it was.
Q Dont you know that Sam Webbers was admitted in July of '70 or '71? A No sir they got scared and come back.
Q Didn't Sam Webber apply the first time that he went there to apply
A No sir I dont think he did.

APPLICANT, Josh Vann, called and sworn, and examined by Mr Mellette

Q Were you ever indicted by the Cherokee Courts? A ------
By Mr. Davenport- "I object to this question because if he was the record thereof is the best evidence and should be introduced if it can be found."

By Com'r Meadlen: "Let it go in for what it is worth."

By Mellette of applicant-
Q Were you? A Yes sir.
Q For what? A Assault and battery.
Q On who? A Bert Lynch.
Q Did you have a brother that they called John Davis? A Yes sir.
Q Where was he born? A On Grand river in Delaware District.
Q Since the war? A Yes sir.
Q Was he the son of your mother Susan? A Yes sir.
Q Was this man Bert Lynch when you were charged with assaulting a Cherokee citizen? A ------

Objected to by Mr. Davenport.

By Com'r Meadlen- Let it go for what it is worth.

By Mellette:

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Q Was he? A I understand so.
Q Did you know Harry Halfmoon? A Yes sir.
Q Were you ever indicted for an assault on him? A Yes sir.
Q Where were you taken? A To Fort Smith.
Q To the United States Court? A Yes sir.
Q What became of that case? A

Objected to by Mr. Davenport because the record is the best evidence and should be obtained if possible.

(No ruling by Commission)

By Mellette of applicant-
Q What became of it? A The jury turned me loose on the ground that they had no jurisdiction.

By Davenport of applicant:
Q You say the jury turned you loose on jurisdiction? A Yes sir, and the verdict read "We the jury find that the Court has no jurisdiction because both the parties are Cherokee citizens."

By Mr. Davenport:

The representatives of the Cherokee Nation object to the introduction of the indictment, verdict and judgment or any part of the record of the trial of John Wanner Poe at Fort Smith, Arkansas at the United States court at that place, for the reason that no action of that court in disposing of that case would not tend to establish the rights of this applicant as to Cherokee citizenship, and the Cherokee nation would not be bound thereby, and it would therefore be incompetent and immaterial.

* * * * * * *

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas von Weise.

Subscribed and sworn to before me this the 28th of June, 1901 at Newata, I. T.

(signed) T.B. Needles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcripts.

M.D. Green

Subscribed and sworn to before me, this August 24th, 1901.

T.B. Needles

Commissioner.

DEPARTMENT OF
COMMISSION TO THE

EXHIBIT "B" as to applicant;

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 13,1901.

In the matter of the application of Mattie Vann for the enrollment of herself as a Cherokee Freedman by intermarriage, and for the enrollment of her two children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Mattie Vann.
Q How old are you? A I don't know sir.
Q Well, about how old? A Mother said I was 3 years old when peace was declared.
Q Make you about 38 years of age; what is your post-office?
A Vinita.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as Cherokee Freedman? A Yes sir.
No sir, just adopted.
Q Freedman by intermarriage? A Yes sir.
Q Are you what is known as a State woman? A Yes sir, I have got my certificate here.
Q What is your husband's name? A Jesse Vann.
Q Has he been enrolled? A Yes sir. (Produces papers)
Q You want to apply for anybody besides yourself? A My two children.
Q What are the names of your children? A Mattie Vann.
Q How old is Mattie? A She was born time of the payment.
Q Four years old aint she; what is the name of the next one?
A James Vann.
Q How old is he? A 16.
Q Are you married? A No, I aint married now. My husband is dead.
Q What was your husband's name? A Jesse Vann.
Q Was he a Cherokee citizen? A Yes sir.
Q His name on the authenticated roll of 1880? A I don't know what roll it is on, aunt Susan Pease is his mother; Jesse Baldridge is his uncle.
Q When did your husband die? A This coming August will be 2 years.
Q Where was this child James born? A Florence, Kansas.
Q Is he living? A Yes sir.
Q Where does he live now? A In Vinita.
Q Where was Mattie born? A East of Kingsbury, Cabin Switch.
Q Cherokee nation? A Yes sir.
Q How long have you been living in the Cherokee nation? A I don't know sir, how long for certain.
Q Well, about how long, how long before Mattie was born did you come to the Cherokee nation? A About 2 or 3 years I guess.
Q You think you have been living in the Cherokee Nation then about eight years? A Yes sir, I guess so. We lived on Grand River awhile.
Q Where did your husband die? A In Vinita.
Q Did he come to the Cherokee nation with you? A Yes sir, he brought me here.
Q He never lived in the Cherokee Nation until that time? A Oh yes sir, he was here before then.
Q How long did he live in Kansas? A I guess he was there about 4 years.
Q Then he came to the Cherokee nation did he? A Yes sir.
Q Did you come with him? A Yes sir.
Q Well then that would make you here probably about 12 years? A Well I can't really tell you the date of the month or nothing.
A We lived on Grand river awhile before you moved to Kingsbury, with his mother.
Q What did you say his mother was named? A Susan Pease.
Q What was his father's name? A Gilbert Vann.
Q Susan Pease alive? A Yes sir.
Q Gilbert Vann alive? A No sir.

Bettie Vann et al R

Q How long has he been dead? A He died time of the war I guess.
Q You don't recollect his father? A No sir. I don't know nothing about him at all.
Q Were you ever married before you married Jesse Vann? A Yes sir.
Q What was your first husband dead when you married Jesse Vann?
A Yes sir.
Q Have you ever been married since his death? A No sir.
Q You are a widow now? A Yes sir.
Q You never have been married then but twice? A No sir.
Q How often was Jesse Vann married? A I don't know.
Q Did you ever know of him being married until he married you?
A No sir.
Q You and he lived together as man and wife until he died? A Yes sir

BY CHEROKEE ATTY'N JAMES DAVENPORT:

Q You were living in Florence when you and Jesse were married?
A Yes sir.
Q You lived there a short while, three or four years before Mattie was born and then you moved back to the Territory? A Yes sir.
Q You were married in '81? A Yes sir.
Q And you came to the Territory just after what was known as the Cherokee Strip payment didn't you, - not the Freedmen Payment, but the Cherokee Payment? A I think I heard him speaking something about it, but I don't know.
Q You were living in Kansas when that payment was made wasn't you?
A I guess so, I won't say, because I don't know.
Q You came here just the year before the Kerns-Clifton payment was made? A Oh I was here a good while before that.
Q Well, I say you came here just about a year before that? A It was longer than that.
Q Was it two years? A I won't say.
Q You do know you wasn't here when the Cherokee Strip money was paid, you were not living either at Vinita, Grand river or Big Cabin when the Cherokees drew their money? A I guess not, I don't know nothing about that court.
Q You are living now at Vinita? A Yes sir.
Q You don't claim any rights except through your husband? A No sir
Q And he claims through his Susan Poe, his mother? A Yes sir.

GEORGE W. LYNCH, being sworn and examined by Com'r Kendle, testified as follows:

Q What is your name? A George W. Lynch.
Q How old are you? A Born in '52.
Q What is your post-office? A Vinita.
Q You a Cherokee Freedman? A Yes sir.
Q Your name on the Roll of 1880? A It ought to be on there, I seen it put on there, I don't know whether it is or not.
Q You know the applicant here? A Yes sir.
Q How long have you known her? A I have known her near about 20 years.
Q She any relation of yours? A No sir.
Q You know who her mother was? A Yes sir.
Q Who? A Her name when I knew her first was Eliza Dahdridgie, she is now known as Eliza Youngblood.
Q Did you know her husband? A Yes sir.
Q What is his name? A Jesse Vann.
Q Is he living? A No sir, he is dead.
Q Who was his mother? A Susan Poe.
Q Is she the Susan Poe that has been listed for enrollment here a few days ago? A Yes sir.
Q Do you know when Jesse Vann and his wife Bettie came to the Cherokee Nation from Kansas? A Well Jesse was backards and forwards pretty much all the time.

Q Well when did he bring his wife, Bettie, here? A Well it was been about, I judge that it was some where about three or four years before the Strip payment.
Q How old would Jesse be if he was alive? A My estimate I think he would be some where about 28 or 30 years old, I don't know his age particular.
Q Susan Pea was his mother? A Yes sir.
BY MR. DAVENPORT:
Q You think he was younger than his wife, considerably, then, do you? A I don't know his wife's age, I am just estimating his age, I don't know his age.
Q You know whether he was born before or after the war closed, or do you know anything about ~~that~~ his birth? A I don't know about his birth, but I know I saw him when he was a pretty small boy.
BY COM'R NEEDLES:
Q You know where he was born? A Born in the Cherokee Nation, I have got that from him, I don't know of my owniy personal knowledge.

JOSH VANN, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Josh Vann.
Q How old are you? A About 45.
Q What is your post-office? A Ketchum.
Q You claim to be a Cherokee citizen, Freedman? A Yes sir.
Q Do you know the applicant, Bettie Vann? A Yes sir.
Q How long have you known her? A Knowed her since '83.
Q Was she ever married? A Yes sir.
Q Who to? A Jess Vann.
Q Did you know Jess Vann? A Yes sir.
Q What was his mother's name? A Susan Pea or Vann.
Q You know where Jess Vann said he was born? A I know where his mother said he was born.
Q Are you a brother of Jess Vann? A Yes sir.
Q Where were you when you first recollect him? A First I recollect of him I think was when we first went to Kansas; I was very small at that time.
Q He was small also then? A Yes sir, he was a baby.
Q How long did he live in Kansas? A He came back when we did.
Q Well, he went back to Kansas? A Yes sir.
Q Where was he married? A I think he was married in Wagoner.
Q Lived up there with his wife? A Yes sir, he stayed up there.
Q When did he bring his wife to the Cherokee Nation, and this child-he had a child then, you know when he brought his wife and oldest child to the Cherokee Nation? A I don't remember just when he did bring it.
Q Before or after the Strip payment? A Oh it was before that.
Q Did he live here until he died? A Yes sir.
Q You know his children? A Yes sir.
Q What are their names? A The oldest one is named Jimmie, the boy, and there's one they call her Sister.
BY MR. DAVENPORT:
Q He has been here two or three years back, hasn't he Josh, he has never brought his family here until two or three years ago did he? A Why yes, he brought his family here before that time.
Q They wasn't here in 1894, when the Cherokee Strip payment was made to the Cherokees? A Yes sir, he was.
Q You wasn't here was you? A Yes sir, I ~~was~~ left here in September 1896.
Q Where was Jess Vann's family living when you left here in '96? A East of Big Cabin Switch.
Q On whose place? A On Jess Vann's place.

Bettie Vann et al #

Q How far from Woolie Hall's place? A I don't know, two or three miles.
Q Was it on Big Cabin? A It was near Big Cabin.
Q How far from Jennie's place? A I don't know.
Q How far from Cap Delaney? A Four days, I forget how.

BY COM'R MEDLEY

Q He lived in Kansas a good while after he married? A He lived there some time.
Q Some years? A He was up there some years, he came down here and farmed one or two years.
Q What was he doing up in Kansas? A He worked there by days work, public works.
Q That part of Kansas was it? A. Florence, Marion County.

APPLICANT, BETTIE VANN, recalled, and further examined:

BY COM'R MEDLEY:

Q Bettie, how old was Emma Jennie, your oldest child when you moved from Kansas down here to the Cherokee nation? A I guess she was about three or four years old, I don't know for certain.

JESSE VANN, re-called, and further examined:

BY COM'R MEDLEY:

Q When did your brother, Jesse Vann, go to Kansas? A I think he went to Kansas in 1890.
Q But he came back to the Cherokee nation and you and his mother?
A Yes sir.
Q And stayed here until about 1893? A Yes sir.
Q Then went up to Kansas and married? A Yes sir.
Q You are not positive when your brother came back from Kansas? A Since he married.
Q Year? A No sir, I aint positive, just to my year it was, I never paid no attention to it.

Were-Clifton roll of citizens of the Cherokee nation examined and applicant's husband identified on page 128 #3042 Jesse Vann, Coowescoowee District.
Wallace roll of citizens of the Cherokee nation examined and applicant identified on page 145 #3021 Jesse Vann, Coowescoowee District.
APPLICANT RE-CALLED, and examined by COM'R MEDLEY:

Q Did you draw Kirby money for Jennie? A No sir, he didn't draw no payment for Jennie, he said some body else drawed Jennie's money.
Q What was your name when you married Jesse Vann? A My name was Bettie Singleton.

Com'r Medley: Bettie Vann applies for the enrollment of herself as a Cherokee Freedman by intermarriage, and also for the enrollment of two children, Lenora and Mattie Vann as Cherokee Freedmen; she avers that she was married to one Jesse Vann, a Cherokee Freedman, in the state of Kansas, on the 4th day of September, 1891, by the name of Bettie Singleton. She having before been married to one Singleton. She was married according to the laws of the state of Kansas. She avers that by said Jesse Vann she has two children, to-wit: Lenora and Mattie. The name of said Jesse Vann is found upon the Wallace-Clifton and the Wallace rolls, according to page and number of the rolls as indicated in the testimony; his name is not found upon the authenticated roll of 1880; as to the residence of herself and Jesse Vann, reference is made to the

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testimony, the name of her oldest child, James, 16 years of age, is not found upon the Kern-Clifton roll; the averring that for sole reason the payment was refused; she avers that Jesse Vann is a child of Susan Fox, who was listed for enrollment Cherokee Freedmen on D card 416; she claims citizenship through her herself by intermarriage, and her two children through her husband Jesse Vann, and his mother, Susan Fox; that the testimony taken in the matter of the application of Susan Fox for enrollment, D 416, will be made a part of the testimony in the case at bar, and a copy thereof will be filed herewith. It appearing from the testimony that said Hattie Vann was never married according to the laws of the Cherokee Nation, application for the enrollment of herself as an intermarried citizen is refused; her two children, Hattie and James, will be now listed for enrollment as Cherokee Freedmen on a doubtful card; she has satisfactory proof as to the birth of her youngest child, Hattie; but has no satisfactory proof as to the birth of her oldest child James, his name not appearing upon the roll of the Cherokee Nation, it will be necessary for her to file satisfactory proof of birth of James. She will be informed by mail of the decision of the Commission when arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 24, 1901.

Commissioner.

File with C.F. D-725, Kattie Vann et al.

SUPPLEMENTAL: C.F. D-415.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 12, 1901.

In the matter of the application of Josh Vann et al., for enrollment as Cherokee Freedmen,

Appearances:

Mr. Mellette, of Mellette & Smith, attorneys for appl'ts;
Mr. J.S. Davenport, of attorneys for Cherokee Nation;

TESTIMONY TAKEN ON BEHALF OF CHEROKEE NATION.

GEORGE WALKER, being sworn and examined testified as follows:

BY MR. DAVENPORT:

Q What is your name? A George Walker.
Q Where do you live, Mr. Walker? A I live on Cabin Creek.
Q What is your post-office? A Kennison, I. T.
Q How old are you? A About 71.
Q How long have you lived in the Cherokee Nation? A All my life pretty near it.
Q How long have you lived up in between here and Chetopa, Kansas, up in that neighborhood where you now live? A I moved to where I now live in the fall of '66.
Q You had been living before you moved to where you now live up right's place to Chetopa, you know the Creek up there they call Russell Creek? A Yes sir.
Q How far is it from Chetopa, Kansas, down in the Territory? A It is about three miles, or little over maybe.
Q Were you around there during the year of '66 and '67? A Often and on.
Q You lived near Chetopa did you during the year '66 until you moved over to where you live now? A Yes sir.
Q Was there any houses along that Russell Creek built along there in '66 that you remember of? A Trott built one there in '66.
Q Old man Trott? A Yes sir.
Q That's the father of V. L. Trott and Doc Trott? A Yes sir.
Q Was there any colored families built along there on that Creek during that year? A Not that I know of.
Q Well did you see any there? A No sir.
Q Did you ever know a colored family name Fee or Vann, Buker Fee and her family? A No sir.
Q Did you ever know Josh Vann? A No sir.
Q When did you ever see them in that country, if at all? A I don't know that I know them.

BY MR. MELLETTE:

Q How long is Rupsyle Creek, Mr. Walker? A Well it is about as near as I could tell it is about 5 or 6 miles.
Q Five or six miles long? A Yes sir.
Q Where does it enter the Indian Territory, is it here in the Indian Territory? A It is all together.
Q How? A It is not in the State at all.
Q What? A There is none of it in the State.
Q It is all in the Territory? A Yes sir.
Q What does it empty into? A It empties into the Verdigris.
Q Whereabouts? A Well about something from two miles from where Trott lived.
Q Were you ever at its mouth? A Yes sir.
Q Then? A Trott's house you mean?
Q No. Were you ever at the mouth of Russell Creek? A Yes sir, often.
Q What? A I used to fish there.
Q How soon did you move into that country? A On Cabin Creek?
Q Yes? A Fall of '66 I moved there.

Josh Vann et al (Cap'l) 2

Q The fall of 1867 A Yes sir.
Q How far is that from Russell Creek? A Well it is about something near 8 or 10 miles, eight miles away.
Q Do you pretend to have located everybody that lived in around that country 8 or 10 miles from you? A There was nobody living there.
Q How do you know? A I have been around that Creek often.
Q You swear that nobody lived in that country in 1867? A Trott lived there.
Q Anybody else? A Then there was another house, it was built afterwards up the Creek, a little cabin. Oliver Morris built it.
Q I don't care whether there was [illegible] or not, but do you know whether or not there were anybody else around in that country? A No I don't.
Q You don't know whether they were there or not do you? A No.
Q Now you located up there where you live in the fall of '66?
Yes sir.
Q What time? A I couldn't tell you exactly what time, it was in the fall, toward winter.
Q Do you swear that these people were not living on Russell Creek during that winter? A No, I swear I never saw them.
Q But you don't know whether they were there or not? A No sir.

BY MR. DAVENPORT:

Q As I understood you while ago you said you were living near Chetopa on Russell Creek when you moved to Cabin Creek? A Yes, I was living right joining Chetopa.

M.B.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M B Green

Subscribed and sworn to before me this November 15, 1901.

J C Starr
Notary Public.

[illegible] long as you say it was, that's 50 years.

[illegible] you know it was 1[illegible] and now it is 19[illegible] that is 50 years. I [illegible] years in place of 19.

[illegible] you say it yesterday? I don't believe I did, I don't have [illegible] to figure it out for you? I didn't get no [illegible] I had got before I left the stand but did not know that I could [illegible] and when I went down-stairs Mr. Davenport told me that I [illegible] I am doing it.

[illegible] was when the war broke? I was in Louisville Kentucky. [illegible] much were you there? I don't remember [illegible]

[illegible] I can tell you I have it at home [illegible]

[illegible] clothes? I did and I'll wait check that, you [illegible]

[illegible] sir.

[illegible] you? I was [illegible]

[illegible] give any other [illegible] that I can [illegible]

[illegible] and the war been [illegible] you came down here from [illegible] I don't know [illegible] two years when I came [illegible] two years ago? I don't know, when I was [illegible]

[illegible] disappointed [illegible] the [illegible] of one year I'm sip [illegible] it was [illegible] paper after you received your [illegible] you came here? I don't [illegible]

[illegible] get to the Territory then until 1877 I did here in 1862 [illegible] in Kansas.

[illegible] before you [illegible] sir.

[illegible] I've lived [illegible] Territory [illegible] I'm [illegible] there. I'm [illegible] sir.

[illegible] I'm [illegible]

[illegible] Sir, I don't think I did, I don't remember [illegible]

[illegible] you were never arrested for anything? I don't sir.

[illegible] wedding.

[illegible] in the Territory.

[illegible] 4 or 5 years more.

[illegible] I don't know [illegible] I don't know [illegible] for it and I've forgot [illegible] bill against me [illegible] over [illegible] before that? I don't think I was.

[illegible] could be not to remember it if you had been [illegible] you? I don't [illegible] I was I don't know.

[illegible] to Milan and read a part of the record in Chicago [illegible] cases D-463, D-775, D-94 and D-1[illegible].

[illegible] upon [illegible] in chronology to the proceedings [illegible] proceedings is full [illegible] a true and correct transcript of the stenographic Notes therein.

Testimony taken at Stenographer M. D. Green, at Vinita, I. T. October 18, 1907

Joel Vann et al. v. F. B. Cain.

W. W. TROTT, being first duly sworn by the Commission testified as follows, on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A W. W. Trott.

Q What is your age? A 47.

Q What is your post office address? A Vinita.

Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, well since the spring of '66 since the war, I lived here before the war too.

Q During the year '66 where did you live? A During the year '66 I was on Russell creek in the Cherokee Nation.

Q How far from where Chetopa now is? A Three miles.

Q What were you doing there that year? A Living there and proving up a place.

Q You were living with your father that year were you not? A Yes sir.

Q Who owns that place now, the one you improved that year? A I dont know.

Q How long did you stay there on that place? A Came there in the spring of 1866 and moved away in the fall of '66.

Q When you went there were there any houses along on Russell creek? A No sir.

Q When you left there were there any houses other than the one you and your father built? A No sir.

Q How long is Russell creek, how far is it from there it comes into the Territory to where it empties into the river? A I dont know exactly where the head of Russell creek is, but I think it is about six or eight miles from the mouth to the mouth.

Q Do you know Jack Tunie? A I do not.

Q Do you know Shooky Fee, his mother, or a woman that goes by that name? A No sir.

Q Was there any colored people living there on that creek, along Russell creek in the Cherokee Nation when you lived there in '66? A No sir there was no one there except our family and other colored or white.

Q You were the only family colored, white or Indians that lived on that creek then? A Yes sir. (By the Commission)

Q You moved on Russell creek in the spring of '66 and lived there until the fall of '66? A Yes sir.

Q You dont know if any colored people stopped there in the fall of '66 and staid there until the winter of '66 and '7? A No sir I don't tell you what happened after I left there.

J. G. TROTT, being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A J. G. Trott.

Q Where do you live? A Here in Vinita.

Q How old are you? A 62.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Where did you live in the Cherokee Nation in '66? A On Russell creek.

Q What other family lived there on Russell creek in '66 except your family? A I dont know of anyone.

Q Were you up and down that creek any? A Yes sir.

Q What other people were there that? A None.

Q When did you leave that section of the creek? A In the fall of '66.

Q Were there any colored people there in the fall of '66? A No sir.

Q Did you make any improvements there? A I built a house.

Q What became of it? A Sold it in the fall and moved away.

Q Who did you sell it to? A I thought it was Barney, but some say Glenn is the man.

Q Have you been there since? A No sir.
Q Do you know of anyone else living on that place up there since you sold out and left? A I know of this Benner or Glenn.
Q Any one else? A No sir, I haven't been acquainted around there since I left.
Q Do you know Josh Vann? A I know him when I see him.
Q Did you know his mother? A No sir.
Q Did you ever see Josh Vann living up there? A No sir.
(By Mellette)
Q You left Russell creek in the fall of '66? A Yes sir.
Q You dont know what colored people were there after you left? A No sir.
Q You dont know who was there in the fall and winter of '66 and '67?
A No sir.

LOUISA STINGER being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation:
Q (By Davenport)
Q What is your name? A Louisa Stinger.
Q How old are you? A I will be 68 on the 22d of next May, will be 53 years old.
Q What is your post office? A Tahlequah.
Q How long have you lived in the Cherokee Nation? A Born and raised here
Q What was your maiden name? A Morris.
Q Did you ever live on and about Russell creek, near Chetopa? A Yes sir
Q Did your parents live up there? A No sir.
Q What year did you move into that neighborhood? A Well I can't hardly tell the year, somewhere about '67.
Q What place did you move to when you moved there? A The old Glenn place we bought it from him.
Q Who originally made the place? A They claimed Mr. Trott made it.
Q How old were you when you moved there? A I was about 17 or 18 years old, I was married and had one child.
Q When you moved to the Glenn place there on Russell creek what other families lived there? A A man named Tom Fields lived there close to the creek is all.
Q Was there any colored family there? A No sir.
Q Do you know Shockey Fox or Josh Vann her son? A I saw her, not personally acquainted with her.
Q Did you see her on Russell creek there? A No sir.
Q Did you ever know her to live there? A Yes sir a couple of years after I moved in there.
Q About what year do you think she moved in there? A Well I cant tell you the year.
Q She moved in there some time after you moved there? A Yes sir.
Q Did she build a house there? A I dont think so.

Q About how far were they living from you? A Half a mile northwest of where I live.
(By Mellette)
Q Mrs. Stinger, you dont mean to say that there was nobody else living there when you went there on that creek in '67? A Yes there were some families living there then but she was not there.
Q Did you go up and down that creek to see who was living on it? A I lived there and know.
Q And you can say positively that there were no colored people except there are in that direct neighborhood? A To the best of my knowledge there wasn't any there.
Q You said a while ago that you could not tell the year exactly when you moved there, now you dont know if you was there in '67 or not do you? A I dont know just what year, I can't read or write and cant keep track of the years.
Q How was it '66, '67, '68, or '69? A I dont know, I have a brother in law that knows and can tell you all about it.

Q You dont know if these people were camped somewhere on that creek or not do you? A Well I know I used to go up and down the creek hunting for wild unions and if they had been there I would have seen the.
Q Russell creek is six miles long isn't it? A No longer than that I guess.
Q How long do you think it is? A Over six miles I think.
Q How long do you think it is? A Seven miles I guess to the head.
Q Did you hunt wild unions from the head to the mouth? A No sir.
Q Then these people might have been there and you not have seen them? A There are others that never saw them there.
Q Is that the reason you say they were not there? A As far as I am concerned they were not there, I never saw them.
Q And you swear they were not there? A Not to my knowing.
Q You think colored people could not have been camped there and you not know it? A Yes they might have been in a hollow log or something like that and me not know it.
Q How far out from the creek did you go hunting unions? A On the bank of the creek.
Q Suppose that they were camped half a mile from the creek, could you have seen them? A I might have.
Q All that country is called Russell creek for a mile or so away from the creek isn't it? A No sir, I dont think it is.
Q If you say a man lived on Russell creek how far did he have to live from the creek? A Right on the banks of the creek.
Q Then if a man lived half a mile from the creek he is not living on Russell creek according to your idea? A No sir.
Q You say these people came there after you did? A Yes sir.
Q Where did you see them? A Half a mile from where I lived.
Q Where were they living? A In a shanty there.
Q How long after you came there did you see them? A Two years after I came there.
Q What was year was that? A (No response)
Q How do you know it was two years? A To the best of my knowledge it was two years.
Q That is an opinion of yours? A I was living there two years before they came; I dont know the dates of the years and I can't answer that question, if I could I would.
Q You dont read or write and dont know the dates? A No sir, but I know one year from another.
(By Davenport)
Q You know it was some time after you came there that they came there? A Yes sir.

WILLIAM H. NOBLE, being first duly sworn by the Commission, testified as follows for the Cherokee Nation:
(By Davenport)
Q What is your name? A William H. Noble.
Q What is your age? A 61.
Q What is your post office? A Nowata, Kansas.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Where were you living in '68, in what part of the Cherokee Nation? A I came on Neosho river between the mouth of Fly and Cherry creeks in what was called Short creek, on the north side.
Q How far is that from where Chetopa is now? A Two and a Half miles.
Q Do you know a creek called Russell creek there? A Yes sir.
Q Were you on that creek any in '68? A Yes sir.
Q What houses were there on that creek then and who were living at in that? A In '68?
Q Yes sir. A Mr. Frost was there, he built the first house on the creek in the spring or '68.
Q Where there any other houses built there that year if you know—was you on that creek that year? A Yes sir.
Q Any other houses built there on Russell creek that year? A No sir.
Q Was any other houses built there, shanties or anything? A There was a shanty belonging to Oliver Terrie, that was the most shanty built

Q Was he any relation of Mrs. Stinger, who just testified A Brother I think.
Q Was that after the Trott house was built ? A Yes sir.
Q Was you on this creek in the winter of '68 and '69 ? A Yes sir.
Q Were there any colored people there then? A No sir.
Q Do you know Shockey Fee? A No sir.
Q Do you know Jesse Vann? A I dont know him, I have heard of him.
Q How long did you live in that neighborhood? A Backwards and forwards on that creek from that time on until in the spring of '68, after '68 I went back on the creek every once and a while.
Q Was you back there at that Trott place on Russell creek in '67 or '68? A Yes sir.
Q Did you see any colored people there or any houses that were built there then? A No sir.
Q When did you see any other families built there besides the Trott and Morris houses? Well it might have been in the summer of '68, but not before; I was back there every month or so then.
Q You married a sister of Mrs. Stinger's ? A Yes sir.
Q Where was she living? A With Mrs. Denney.
Q Where? A On Russell creek.
Q In what house? A The Trott house.
(By Mollette)
Q How long has it been since 1868? A How long?
Q Yes sir. A Well it has been a good many years; it has been 30 odd years I guess, I am not positive.
Q How long has it been since 1868? A Way up in 40 odd years.
Q Tell how many years? A I can't tell exactly, unless I count it up.
Q Take your pendil and figure out how much it is ? A I cant figure how much it is, not much on figures anyway and then I havent my glasses with me to see the figures after I make them.
Q Well let's have it now, how much is it? A Sir—this is '91—let's see, 44 years wouldn't it, I cant count it out right in my head.
Q You were passing up and down that creek from the mouth to the head every month or two? A From '68 I was was, pretty near every month up and down there.
Q Do you suppose that there might not have been a colored family stuck in behind some hill that you might not have seen the c, or that you might not recollect having see now at this time? A Not at that time, families were scarce then.
Q Do you swear that they couldn't have been there? A No they couldn't
Q And you will swear that the family of Shockey Fee was not there in the winter of '68? A Yes sir I do.
Q You are on your oath now, and do you swear that it has been 40 odd years since you were up there on Russell s creek? A (No response.
Q It has been forty odd years, according to what you say, and do you swear that at no place on Russell creek in the winter of '68 was Shockey Fee there? A No sir she was not.
Q Where were you living 30 years ago? A I believe I was living in Kansas then.
(By Davenport)
Q You came from Kansas to the Territory? A Yes sir.
Q What section of the Territory did you come to from Kansas? A On Canna creek.

(Witness William K. Noble here desires to make a correction in his testimony)
(By the Commission)
Q What is it you desire to say in regard to your former testimony? A I said 40 odd years, I was wrong, I got it in my mind wrong and spoke it wrong, it is 35 in place of 40. I came from Kansas to the Territory in '56 and I know that it is 35 years from that time till now.
(By the Chairman of Commission for enrollment)

(By Smith)

Q How long do you say it was, now? A 35 years.
Q How do you know? A It was '66 and now it is '91 that is 35 years. I said 40 and years in place of 35.
Q Didn't you say 45 years? A I dont believe I did, I might have.
Q Who did you get to figure it out for you? A I didn't get no one, I had it figured out before I left the stand but did not know that I could correct it, and when I went down stairs Mr. Davenport told me that I could and he I am doing it.
Q Where were you when the war closed? A I was in Louisville Kentucky.
Q What month were you there? A I took my discharge there.
Q What month did you get it? A I cant tell you, I have it at home.
Q You dont know when you got your discharge? A I cant tell it just that way.
Q When did the war close? A Closed in--I cant speak that, you threwed me again there.
Q You dont know? A No sir.
Q You dont know anything about '66 do you? A That was the year I came from Kansas to the Territory.
Q You cant give any other d te except '66 can you? A Yes sir I can give some other dates.
Q How long had the war been over when you came down here from Kansas? A Two years, I had been discharged two years when I came.
Q Then you came here two years after the war? A Yes sir, when I was discharged.
Q Well you wasn't discharged until after the war closed was you? A No sir
Q You know that it was two or three years after you received your discharge that you came here? A Yes sir.
Q You didn't get to the Territory than until in '67? A dot here in '66; I left Iowa in March '66.
Q Did you come to Chetopa before you came here? A Yes sir.
Q What was there? A Old Dr. Lyle lived there, and called it Chetopa.
Q Was there any stores there? A It is still there yet, yes sir.
Q I asked if there were any stores there at that time? A Log shanty.
Q Store? A No sir.
Q Did you ever get a into any trouble there at Chetopa before you came here with a man named Gage? A I dont think I did, I dont recollect the man, or the name.
Q Have you ever been arrested for anything? A Yes sir.
Q What? A Cattle stealing.
Q Where? A Here in the Territory.
Q When? A About 4 or 5 years ago.
Q Anything else? A I believe that was all, taken to Fort Smith before Judge Parker for it and the Grand Jury didn't find a bill against me.
Q Were you ever arrested before that? A I dont think I was.
Q You would be apt to remember it if you had been wouldn't you? A If I was I dont know it.

This will also be filed and made a part of the record in Cherokee Freedman doubtful cases D-416; D-606; D-705; D-735, D-94 and D-182.

Chas. Ten Voise, upon oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above proceedings in full and that the foregoing is a true and complete transcript of his stenographic Notes therein.

Subscribed and sworn to before me this the 14th of October, 1908.

Commissioner.

File with C. F. D-728.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 18, 1908.

IN the matter of the application of Jack Vann for the enrollment of himself and others as Cherokee freedmen.

APPEARANCES:

Collette & Smith, Vinita, I. T., Attorneys for applicants.
J. S. Davenport, Attorney for the Cherokee Nation.

G. W. ARMSTRONG, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A. G. W. Armstrong.
Q. Where do you live, Mr. Armstrong? A. Bourbon County, Kansas.
Q. Did you know a colored man up there by the name of Charlie Rose?
A. Yes, sir.
Q. When did you get acquainted with him? A. Somewhere about '88.
Q. Well how long did he live in that country after you got acquainted with him? A. Well he lived there six or seven years.
Q. Was he a married man, Mr. Armstrong, when he was living there?
A. He was part of the time.
Q. Well was he married when you got acquainted with him? A. No, sir, he wasn't grown.
Q. Well did he marry after you got acquainted with him? A. Yes, sir.
Q. Did you know his wife? A. Yes, sir.
Q. What was her name? A. Sukie, if I don't forget it very bad he married a girl by the name of, well her name was Susan I reckon, but they always called her Sukie Ross.
Q. Well how was he living with her when he left that country? A. No, sir, he wasn't.
Q. What became of her? A. She died.
Q. When did she die, about what year? A. About '86 or '87.
Q. She died while he was living there in that country? A. Yes, sir.
Q. How far did he live from you, Mr. Armstrong? A. Well, my farm and the one he lived on cornered, he lived right southwest of me, just cornered my place.
Q. Well, do you know whether or not he married after this wife died? A. I couldn't say as to that he left there, all of the Rose left there.
Q. What other members of the Rose family were there that you knew? A. Well, there was his uncle Ben Rose, and his mother, Millie Rose, and he had a sister, Ann Rose, and a brother, Sam Rose, Mr. Charlie Rose, that amounted to the whole family.
Q. And his wife died either in '86 or '87, this Susan Rose? A. Yes, sir, as near as I can get at it, it's been a long time, and I would not swear positively as to these things.

Mr. Smith cross-examination.

J. M. Perkins, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A. J. M. Perkins.
Q. You live— A. At Mackich, Kansas, Bourbon County, Kansas.
Q. How long have you lived there? A. I have been in business there since 81, December, 81.

Q After you went to Wapleton did you get acquainted with a colored man by the name of Charlie Poe? A I did.
Q About how long had he been there before you got acquainted with him? A Well now I don't remember how long he had been there, about '82 I remember of becoming acquainted with him and the family that he lived with.
Q Well what family did he live with? A He lived with old man Poe, he was a blacksmith.
Q What is the old man's name? A Ben, the old man.
Q Well, was he married at that time? A No, sir, he wasn't, he was married afterwards.
Q Do you know that his wife's name was that he finally married? A Her name was, well now, her given name was Susie, they called her Suksie Poe, that was what they called her, but her name was Susan, and my understanding is that it was Rose, but I don't know that it was Susie Rose; I knew him though.
Q Did that wife live until he left that country? A No, sir, she died there in '87.
Q Do you know whether or not he had married again before he left there? A No, sir, hasn't remarried.
Q You haven't seen him since he left there? A I have never seen him since he left there, but I don't think he married there.
Q Well, from the time he married Susie Rose up until the time of her death did he live in your neighborhood? A Yes, sir.
Q He lived right there with Poe's family, and his wife died in '87? A Yes, sir.

MR. SMITH: All you knew was a man named Charlie Poe? A I knew the whole family of Poes, the old man, and well, there was Ben and the old lady that lived there was his sister, now let's see they called her I can't call to mind that old lady's name, but Charlie lived in the family; he wasn't old Ben's son, but all I knew was there was a Charlie, a young man, in the family.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Margaret Perkins.
Q You live at Wapleton, Kansas, do you, Mrs. Perkins? A Yes, sir.
Q How long have you lived there in that neighborhood? A 68 years.
Q Well, did you know a colored man by the name of Charlie Poe things about the time of the war or after the war? A Yes, sir.
Q Do you know whether or not he was a married man any time after you got acquainted with him? A He married while he was there.
Q Do you know who he married? A He married Susan Rose.
Q Well, now, was she living when he moved away from that country or not? A She wasn't living, she died.
Q Do you know when she died? A She died in '87.

Mr. Smith waives cross-examination.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-416, D-84, D-666, D-705 and D-785, in addition to the case at bar, D-415.

Arthur G. Gronniger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and re-

noted the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Bromberger

Subscribed and sworn to before me this 14th day of April, 1962.

E. Ruth

Notary Public.

619725

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 29 1902
ACTING CHAIRMAN

To be filed with [illegible] Roll [illegible] of all.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 16, 1906.

In the matter of the application of [illegible] for enrollment as Cherokee freedman.

[illegible] 20

APPEARANCES:

[illegible]

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. PASTEWOS: What is your name? A. Margaret Perkins.
Q. What is your postoffice, Mrs. Perkins? A. Muskogee, Kansas.
Q. You testified once before in this case? A. Yes, sir.
Q. Did you know Charley Peo? A. Yes, sir.
Q. Did you know Susan Peo? A. Yes, sir.
Q. After Charley Peo's wife died, did you know whether he married again or not? A. Well, yes, sir, I know he was living with another woman.
Q. Well, did you know her name? A. Her name was Sukie Vann.
Q. Sukie Vann? A. Yes, sir, I knew her and her mother and brother.
Q. Was that before or after the death of his other wife? A. Yes, sir, after the death of Susan, after Susan was dead.
Q. You did his first wife die? A. She died in '67.
Q. '67, and afterwards you knew he was living with Susan Vann, Sukie Vann? A. Yes, sir, with Sukie Vann.
Q. Did Sukie Vann have any children by Charley Peo? A. Yes, sir, she had three, two was with her, and one lived at Tom Gibson's, her stepdad.
Q. What was his name? A. His name was John, light colored boy, good big boy.
Q. Well now do you know who John's father was or said to be? A. Yes, sir, said to be, said, yes, sir. His father's young master, Cald Vann, was said.
Q. Claimed his young master, Cull Vann, was his father? A. Yes, sir.
Q. About what time did they leave that country? A. Left Smiley '68 or '9.
Q. After his marriage to her? A. After, yes, sir.
MR. SMITH: How are you talking about Charley Peo? A. Yes, sir, Charley Peo.
Q. Well do you know whether or not he was a married man any time after you got acquainted with him when you first knew him? A. No, sir, he was a young man for quite a bit.
Q. Well did he marry while he was there where you lived? A. Yes, sir, he married right there in the neighborhood.
Q. Who did he marry? A. Married Susan Vann, a girl that lived right there by us, too, on my place.
Q. When did she die? A. She died [illegible]
Q. What makes you think it was in '67? A. From the age of my daughter. Well one thing that makes me think it was in '66 [illegible] bought a school quarter of land, and then the Peos leased the land for three years, [illegible] October, '66, and they leased

it for three years, and during the winter they put up a double log house and moved there in the spring, and the summer of '67 that woman she had the consumption, and she was there off and on till along-oh, several times she was there.

Q When did he marry her? A He married her in about '64, just have married her about '64, they came there in about '62, and must have been about '63 or '4 that he married her.

Q Well who was this woman that you say he lived with after Susan died? A Her name was Susie Vann, she was the daughter of Lottie Vann, and after she came to that country she lived around there we lived with a man by the name of Gilbert Vann, and those other two children. The first child that he had, she had three children, the first one the same name as the others, wasn't full brothers you know, she lived with this Gilbert Vann of the same name you know; her mother's name was Lottie Vann, she had a brother by the name of Dick Vann.

Q Now when did you say that these people left there? A They left there either in '68 or '9, I don't know which, for they leased the ground for three years, and they left there - well about - well, after she died, oh then could take this woman personally on trips to Ottawa, and he was with his mother, old dame Millie Rae, and Aunt Millie used to want sometimes for him to take her to Ottawa. Well he would drop her out and take this other woman and lived with her. I remember it being reported that he lived with that other woman.

Q Well how long would he be gone when he would go away? A Why there was a colony of colored folks at Ottawa that they visited back and forth, sometimes stayed longer than other times. He used to go off and leave Susan that way sometimes. His first woman you know he would go up there occasionally and come back.

Q Of course you didn't know where he went? A Oh no I don't know where he went to, except what I heard. Well they said he went, because his mother and his wife, and they would go back and forth, and they would come back, and really we have been gone to Ottawa, they seemed to have business there or visit or something; it wasn't really a visit of course, they couldn't have, but there was some business that they was back and forth with.

Q Well would they sometimes be gone a good while or not? A Oh no, not a good while, never went - you know he would make several trips in the spring of course you know, he would never spent very long of the time, why he couldn't make two or three trips I know then.

Q Well about how long would you say? A Oh I would say he stayed sometimes a few weeks and sometimes a month and a half or two something like that.

Q Well now what makes you think it was in '68 that your husband bought the lease of land? A Well, the reason is was school land sales, and the school land sales was the 1st of October, 1866, and we have the deed of it. I have the numbers of land, '68. I know it for we bought the school quarter, and then that was the date that it was to be sold, the school section.

Q Well do you remember all this like or have you had to go back and look that up? A I didn't have to go back to look it up for I have the deeds yet.

Q The deed? A The deed to the school quarter.

Q There is that deed? A I have it with me.

Q Get the deed at home? A Yes, sir I have the deed at home.

Q That was the 15th of October, 1866? A '66, October.
Q Well now how long after that was it before it was leased? A Well I presume the first, the same week that the sale was made, for you see the colored men lived around there, and all wanted homes.
Q I don't know anything about it. How long - you say you presume it was in the same week; do you actually know when the lease was made of your own knowledge to be able to swear to it? A Oh, yes, I could swear to it; it was the same week, I could swear to it.
Q Same week? A Same week, because it was talked of before, before he purchased, before my husband purchased the school quarter. He told them after he bought it he would let them build on it and lease it to them you know, and they went to work and put up a sorrle log house, and they was there that fall and winter getting it put up before they got moved in it.
Q Now who was that who moved in? A Why Charley Pee and Ann Pee, his sister's husband his name was Tom Jackson, Tom Jackson and his wife, Charley Pee and his wife, and Uncle Ben Pee was the ones that worked and built the house and moved there.
Q Now this is the second time you have been here, isn't it? A Yes, sir.
Q Second time you have testified in this case? A Yes, sir, I think I testified, yes, sir, I testified in this case before.
Q Well when you was here before did you know as much about this as you do now? A Yes, sir, I testified just as far as I was called on to and didn't any further.

MR. HASTINGS: You came in here and went back very soon? A Yes, sir, went back the same day.
Q Mr. Davenport examined you before in this matter? A Yes, sir.

J. M. PERKINS, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A J. M. Perkins.
Q Are you the husband of Mrs. Perkins who just left the stand? A Yes, sir.
Q You have been down here before as a witness in the case of Susan Vann or Susan Pee and her son Josh Vann? A Yes, sir.
Q Did you know Charley Pee? A Yes, sir.
Q Did you know his first wife? A His first wife was Susan Ross.
Q And is she living or dead? A Sir?
Q Is she living or dead? A She died in '67.
Q Did you know whether he lived with any other woman since that time as his wife, Charley Pee? A Well he went to live with Susan Vann.
Q Vann? A Sukie Vann.
Q Sukie Vann? A Yes, sir.
Q Was he living up there at the time? A Yes, sir.
Q Did she have any children that you know of, this Sukie Vann? A She had, as well as I can remember she had three children.
Q Three children? A Yes, sir, three.
Q Did she have any by the name of Josh? A Yes, sir, that was her-my understanding that was her oldest one, Josh.
Q Did you ever hear of Josh's father, who was reputed to be his father? A Yes, sir.
Q Who? A Culler Vann, that was what I understood, was Cull or Culler Vann, that's what they called him.
Q How long did you know them there after he went to living with Sukie Vann? A Well-
Q About what time did they leave that country? A He left there some time in '66, either, sometime in '68.

Posey Gibson and Charley Pee and the old man Pee all moved in here somewhere about Chetopa in '68, that was my understanding, that's where they went to.
Q You knew them until they left up there? A Oh, yes, sir, I knew them myself, I worked for them and worked with them.
Q How near did they live to you? A Well they were just about, they was about four miles.
Q You knew Posey Gibson, too, did you? A Oh, yes, sir.
This Josh Vann, son of Sukie, lived most of the time with Posey Gibson. You see after she left her first man that she lived with there, was Gilbert Vann. Well after he either died or separated, I think he died, that was Gilbert Vann, she lived with Gilbert Vann, her first man there, well then she went to live with her mother, lived up the river from us in what was called the Hobson settlement, then she went to live with her mother that was down the river from us east you know about four miles down the river, well then this boy, Culler Vann, or not Culler Vann but Josh Vann, the boy, lived with Posey Gibson.
Q Right there in the same neighborhood? A Yes, sir, right in the same neighborhood; well they were about a mile apart, about a mile apart I thinks. I think he lived there as much as three or four years with Posey Gibson.
Q And you say Posey Gibson never left there till '68? He never left until up in '68, they all left there about the same time, they all left there about the same time.
MR. SMITH: Why, Mr. Perkins, did you get a lease, but some school land up there? A No, that was my wife's first husband.
Q It was? A Yes, sir, I knew about the date, I was living right there when the deal was made mind you.
Q When was that? A Well, that was in, I can't give you the numbers of the land.
Q No, the date I am asking about? A Oh, that was in '66.
Q What time? A In '66, October I think, about the 15th, that was; I bought some school land about the same time, about '66.
Q Well now after that school land was bought how long did these people the Pees that you are talking about, ever live on that school land that he bought? A Well I don't know; there was a man by the name of Jackson that had married one of these Pees lived on that school land, and I don't remember that Charley Pee ever lived on that school land, if he did I don't remember; he lived in the same neighborhood.
Q Where were you living? A I was living in Mapleton all this time.
Q How far from that school land? A About four miles.
Q Well how long after the school land was sold there before this man Jackson went to live on the school land? A Well now I think that he - I think that Jackson lived there about, I think about a year, a little over a year.
Q Little over a year? A Yes, sir.
Q Well was he living on it at the time he left to go away from that country? A Jackson?
Q Yes, sir? A Yes, sir.
Q He and the Pees a I went together did they, or how was it? A No, sir, Jackson and the Pees didn't come together.
Q When did Jackson go? A Well now I always understood that Jackson went to Humboldt, but I ain't sure.
Q Well when? A About, well about '67 or '8, somewhere along there, and then he was on the school land about a year, I believe

in '68.
Q When did you think he went on the school land? A Well he went on the school land - Well that school land was purchased in October, '68, and then he put up buildings, and he went onto it, and I don't think he was on there more than a year.
Q How long was it after it was bought in '68 before he went on it? A I think, I don't remember the exact days, but he built on it and put up some cabins, double log cabins.
Q Was it the same year that it was bought? A Yes, sir, the same year, in '67 - no, in '68. Well it was that next winter that he built on it, he went, but you see he bought it in October, '68.
Q It was that following winter that he went onto it? A Yes, sir.
Q And nobody went on it but Jackson? A Well I never of anyone living on there now, that school land but Jackson, that is any of the colored people. I never knew the Pees lived on it. Charley lived right in the neighborhood, he lived there.
MR. HASTINGS: How far? A Well within a half a mile of that school land.
Q Do you know whether it was on the school land or not that he lived? A Well I don't, but I don't think that he lived on it, but I a n't sure but they was on that now; I can't be positive about that, my woman knows whether they was, but he lived right in that neighborhood now, you know for me just to say positive, for them buildings was all gone after that, after th y left those cabins they were torn down.
Q Well she would know more about that than you would, wouldn't she? A Yes, sir.
Q When were you married to her? A We was married in '88, '89.
Q A number of years after that? A Yes, sir.
Q You wasn't living with her at that time? A We all lived in the same neighborhood, had known one another.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-416, R-94, D-666, D-707, D-725, and D-415, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

(Seal) (Signed) F. G. Reuter,

Notary Public.

Notary Public

Walter W. Hill

Arthur G. Jones

File with W. H. TEN, Mattie Tuna.

[illegible] OF THE [illegible] TRIBE OF INDIANS,
MUSKOGEE, I. T., MAY 21, 1902.

In the matter of the application of Jack Tuna for the enrollment of himself and children as Cherokee freedmen. Testimony in behalf of applicants.

[illegible] appear by [illegible] & Keating
Cherokee Nation by W. W. Hastings.

THOMAS H. MOORE, being sworn and examined, testified as follows:

BY MR. SMITH:
Q State your name? A Thomas H. Moore.
Q Where do you live? A Ketchum, on Grand river.
Q How old are you? A Fifty years old.
Q Do you know Susan Poe? A Yes sir.
Q How long have you known her? A The first time I saw her was right away after the war.
Q Where was it you saw her? A Saw her on Russell Creek.
Q In what Nation? A Cherokee Nation.
Q What year? A '66.
Q What time in the year? A In the fall.
Q What was she doing there? A She lived there.

MR. HASTINGS:
Q How old are you? A 56 years old.
Q How old were you in '66?
A I was about 16 I guess, somewhere along there.
Q You were going to school in Kansas then, weren't you? A No sir.
Q You are not on a straight card yourself are you? A No sir.
Q You are a doubtful colored person? A I guess so.
Q Who was Susan Poe living with when you first saw her? A She lived on Russell Creek and with her children. Her husband do you mean? Her husband was Charley Poe.
Q You didn't see him at that time? A No sir.
Q Was he there? A No sir.
Q Where was he? A I don't know.
Q Didn't Andy tell you where he was? A I stayed there all night.
Q Didn't you hear them say anything about him? How long had she been married to Charley Poe? A I don't know.
Q How far was this house from Chetoah, Kansas?
A I don't know, there was no town there then.
Q How far was it from the State line of Kansas? A I don't know how far it was, somewhere on the creek as near as I can remember.
Q It is somewhere in the United States of America, isn't it?
A It was in the Cherokee Nation, it was on Russell Creek.
Q How far from the line was this cabin on Russell Creek? A As near as I can remember, I don't remember where the line is, I only know by the ponies.
Q You don't know whether it was in the Cherokee line or in the Kansas line? A We came right along Shoney might after and when I went back there where she was living we stayed there all night.
Q Who stayed with you? A Lewis Moore and Levi Bird.
Q Was it the Henry Bird over at Tahlequah?
A No sir, it was Levi Bird.

Q What were you doing going back up there? A We went back up there to get something to eat; it was hard time up there.
Q You did'nt come until '88? A I come in '85.
Q Do you know this is the date set apart for the closing of freedmen testimony? A Yes sir.
Q Notices were sent you two or three months ago? A Yes I got a notice.
Q You live near Vinita? A 15 miles east of Vinita.
This Commission sat at Vinita two different times hearing freedmen testimony and you were around there a god deal? A Yes sir.
Q And you never then come in to testify, you waited to come something like fifty or sixty miles down here, and waited until the last evening so that it could not be rebutted-- not until the last time?

MR. SMITH: I object.
A The people did'nt know until we get to talking about it; I have talked about it since then and raked this up; we have been talking about it ever since. I get these notices refreshing my mem'ry.
Q How long ago? A Evere since this court is going on.
Q When did you refresh your memory about this case?
A From time to time.
Q But the first time you refreshed your mind while the court was at Vinita? A Yes sir.
Q Why did'nt you go in there? A I was'nt asked to testify.
Q You were how old when the war closed? A About 16.
Q You were about 16 years old, is that correct, when you saw these people? A I was about 16 when I saw these people, as near as I can remember it has been so long. A lot of things I forget but they come back to me. Lots of these things come back fresh to my mem'ry when I never have thought about it before.
Q This was brought fresh to your recollection the last evening of taking testimony was'nt it? A No, not altogether.
Q They had a family up there did'nt they? A I don't know, we only stayed all night there. I don't know what they all had there; we stayed there all night and went from there to Baxter.

Q You knowed her before the war? A I seen her often in Kansas.
Q What place in Kansas? A Near Hobbs' Mill is the first time I saw her.
Q Near what town is that? A I don't know, near Hobbs' Mill, near Mapleton I guess.
Q How many children were they there that night?
A She had about three children.
Q Name them? A Joshua, Jesse and Martha.
Q About how old was Martha? A I don't know.
Q Martha was by her last husband? A No sir.
Q Was she by her former husband? A Yes sir.
Q What kind of a house did she have? A A log cabin, about one
Q Was it right on the Creek? A No sir, it seemed to be a little mile or two miles from the Creek as near as I can remember.
Q How old was Josh at that time? A I don't know exactly, but he was about 10 or 11 years old. I don't know, I did'nt know nothing about his age.
Q There was'nt any man there? A Not that I remember of.
Q They had no wagon or team there?
A I don't remember what they had there.
Q Was it Spring or Fall? A It was Fall.
Q What year did Wallace make that roll? A '88.
Q Well was it '88? A As near as I remember it must have been '88.
Q Are you certain of it? A As near as I can remember.
Q Well, you and Bird and Lewis Rowe went back up North did you?
A Yes sir.
Q You never have told me how far this house id from the line?
A I don't know how far it was, I don't know how far the line was, but it was somewhere on that Creek.

Q Do you think it was six or twenty miles from the river?
A About 3/12 miles as near as I can remember.
Q Did you see any other houses around there? A I don't remember.
Q When did you next see Josh and his mother? A Some five or six years, they moved down on the river below us.
Q Did you ever have occasion to go back to that place? A No sir.
Q You didn't go back there from Kansas? A No sir.
Q You came back another way? A We didn't go near there.
Q You never saw them until five or six years after that.
A No sir, not until I saw them down here.
Q You don't know how long they had been living up there? A No sir. The old man went by there, this woman who the old man's relation and we stayed there all night. It was her step-father.
Q Whose step-father? A. Lewis Rowe was my step-father.
Q Captain George wasn't along with you? A No sir.
Q And you never attempted to give testimony in this case until the last day, have you? A I never was asked for any testimony.
MR. SMITH: When did you come to Muskogee this time?
A Thursday morning of this week.
Q Was Josh Vann here? A Yes sir.
Q Were you waiting to give testimony then? A Yes sir.
MR. HASTINGS: You received notice last March that it was going to close on the 31st day of May? A Yes sir, from the Commission.
Q And you saw it in the paper? A Yes sir.
Q And you waited until the last day? A Yes sir, I had to come also to see about my own boy that was on a doubtful card.
Q You found it out then that you knew something about this case?
A I knewed it before, but I was not called before.

Counsel for applicant moves to have all questions and answers stricken out relative to testimony being taken on last day because it is incompetent, irrelevant, and does not tend to show an issue in this case.

W. W. HASTINGS: The Cherokee Nation in reply to that, desires to say that it is a strongly suspicious circumstance that the applicants who filed their cases more than a year ago at the town near which they lived , the same being Vinita, in this case, and that they have waited for more than a year in order to put testimony in on the essential points in their case, and having received notice that the testimony would all close, they bring the witnesses here and introduce them on the evening of the last day in order that the Cherokee Nation might not have the time or the opportunity in order to rebut the same, particularly when these witnesses which they bring were witnesses who trailed after the Commission at nearly every place the Commission met when abundant opportunity was given to testify and they didn't avail themselves of it. We say that it is a suspicious circumstance and it is one that the Commission should take into consideration.

MR. SMITH: The counsel for the applicant in support of the motion suggests that the applicant had a perfect right to rest upon the testimony offered and also the right to exercise their judgment as to whether after the testimony had been introduced by the Cherokee Nation it was expedient for them to offer any further testimony, and that they are simply exercising the rights afforded to them under the rules of this Commission.

W. W. HASTINGS: The Cherokee Nation in answer says: That under no rule or pleading is this testimony admissable; that the applicants in this case under the practice in all courts at this time would only be permitted to introduce rebuttal testimony to offset any testimony

heretofore introduced by the Cherokee Nation, but would not be permitted to introduce original testimony in support of their case; that rebuttal testimony is to effect testimony introduced by the defendant, whereas this testimony is testimony in support of the original application.

MR. SMITH: The counsel for the applicant is willing to submit the case without further argument.

The testimony will be filed and made a part of the record in this case.

Witness re-called by MR. SMITH:
Q Do you know John Pee? A Yes sir.
Q Whose son was John? A Susan Pee.
Q What do you know about John, is he living or dead? A He is dead.
Q What caused his death? A He was shot down by John Davis at Vinita; I wasn't there but I saw him after he was killed.
Q Was John Pee the brother of Josh Vann? A He was a half-brother.
Q And you say by the same mother? A Yes sir.
Q Susan Pee was his mother? A Yes sir.
Q And you say that John Pee was shot by John Davis? A Yes sir.
Q Who was John Davis? A Son of Bill Davis.
Q Was he a Cherokee citizen? A Yes sir.

MR. HASTINGS: This killing was done after the 1896 roll was made? A Yes sir.
Q And the killing took place before the Curtis Bill was passed did'nt it? A Yes sir.
Q And the fellow was'nt convicted was he? A No sir.

MR. SMITH: Was he tried by a jury? A Yes sir, by the Cherokee Court.
Q Were you there? A No sir, I was'nt there.

FRANK ROSS, being sworn and examined, testified as follows:

BY MR. SMITH: State your name? A Frank Ross.
Q How old are you? A 54 years old.
Q What is your post-office? A Hayden.
Q Do you know Susan Pee? A Yes sir.
Q Where does she live? A She lives on Grand river.
Q Do you know Josh Vann? A Yes sir.
Q What relation is Josh Vann to Susan Pee?
A Claimed to be her son.
Q How long have you lived in the Cherokee Nation? A All my life.
Q When did you first see Susan Pee in the Cherokee Nation after the war? A In the fall of '66.
Q Where? A On Russell Creek.
Q Where is Russell Creek? A This side of Chetopa.
Q About how far from where Vinita now stands to the place where you first saw her then? A As near as my judgement it is thirty miles.
Q What was she doing there? A He was living there.
Q Did she have any children there? A Three.
Q What are their names? A Josh, Jesse and Martha.
Q How long after that did you see her again? A About two years.
Q Where was that? A About near Brice's Creek, in the Cherokee Nation.
Q How long before that when you saw her again? A About one year or maybe longer.
Q Then where did you next see her
A I used seen her off and on ever since.
Q Where? A In Vinita, Grand river.
Q Is Grand river in the Cherokee Nation? A Yes sir.

W. W. HASTINGS: Frank, have you missed a single session of the Commission? You have been to all of them?
A Yes, I have been to all of them.
Q Were you up at Vinita when these people made this original application last spring? A Yes, I was there a while.
Q You was there as a standing witness for a number of people?
A I never witnessed for none.
Q Did you ever refuse to testify for any single fellow?
A Yes sir, few lots of them.
Q You went to Chelsea? A Yes if I had knowed them I would have testified for them.
Q You testified there in a number of cases? A Yes, a few.
Q You went to Nowata? A Yes.
Q And you testified there? A Yes, for a few.
Q Where did you live in '96? A Part of the time on Brice's Creek and part of the time on Grand river.
Q Tell me a single man that you refused to testify for? A I don't that I can tell the name.
Q Is there any *one* that you refused to testify for? A Yes.
Q Name one of them? A I don't know that I have to.
Q Name them? A I refused to testify for two or three of them.
Q Name one of them? A I refused to testify for Jim Landrum.
Q Where did you refuse to testify for him? A At Vinita.
Q Did Josh ask you to testify in his case?
A He asked me if I knew him and recollect him.
Q When did he ask you? A Last spring.
Q Did he ask you to testify for him?
A He said if he needed me he would.
Q He did'nt need you then? A I don't guess he did.
Q And you waited until the last day for the purpose of coming down here so that you could not be contradicted, did'nt you?
A No sir, I come here last Wednesday.
Q Who was with you at Russell Creek? A Alex Johnson.
Q Is he dead? A Yes, he was killed over at Gibson.
Q You knew he was dead too, did'nt you
A Yes, of course I knew he was killed.
Q Did you see Charley Pee up there? A Yes sir.
Q How many children did he have by this woman at that time?
A They did'nt have any.
Q He was living there at that time? A Yes, he was living there.
Q Well, how large a field did they have around there?
A They did'nt have any field that I saw.
Q He had a house did he? A He had a log hut.
Q About what time of the year was it?
A About the first of the fall.
Q And you have remembered it now for 36 years? A I remember it well.
Q Can you read or write? A I can read a little; I can't write.
Q What year did Wallace make the roll in this country?
A Along about '88 I think.
Q What year were you married? A I was married in '86, in the winter.
Q Where? A I told you yesterday.
Q Where? A Iola, Kansas, in February of '86. The next day after I got married I come right home.
Q Don't you know Charley Pee was'nt married to this woman until '88 in Kansas? A I knew he was there; I don't knew he married there.
Q He lived there as husband and wife?
A Yes sir, they were together.
Q And that was in '96? A Yes, that was in the fall of '96.
Q You are certain of that? A Yes sir.
Q You swear that Charley Pee was living with his wife as husband and wife in the fall of '96? A Yes sir.
Q Is this woman any kin to you? A No sir, not that I know of.
Q Did you refuse to testify for any one besides Jim Landrum?
A Yes.

Counsel for the applicant objects because the question does not tend to prove an issue in this case.
COMMISSION: Answer the question. A I refused to testify for Harry Still.
Q How far was this cabin from the bank of Maxwell Creek?
A I don't know exactly how far it was; it wasn't very far.
Q Did they get water out of that creek?
A Yes, they got water from somewhere around there.
Q How long did you stay there? A I stayed all night there. I had been up there horses were stolen and we stayed there all night and come back home.
Q How far did you follow the horses? A Up close to the Osage Nation. There were only a few houses up there.
Q How far was this near the Kansas line where the applicants lived?
A I don't know how close it was there.
Q About how far? A I couldn't say.
Q That is your best judgement? A It might have been 25 or 30 miles from the Kansas line.
Q That is your best judgement? A Yes sir.
Q Was Chetopa located there? A There was a trading post there then.

This testimony will also be filed with and made a part of the record in the cases of Hattie Vann et al., D-726; Lottie Muldrow et al., D-705 and Mary G. Lane et al., D-660, as well as the case at bar, being that of Jack Vann D-418.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereon.

(signed) E. G. Rothenberger

Subscribed and sworn to before me this 14th day of June, 1902.

Seal. (signed) P. H. Hunter
Notary Public.

I, Hattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Hattie E. DeWitt

Sworn to and subscribed before me this 14th day of August, 1902.

Bruce C. Jones
Notary Public.

Cherokee Freedmen D 726.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Vann and James Vann as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on June 13, 1901, Bettie Vann appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of her minor children, Mattie and James Vann, as Cherokee Freedmen. Proceedings had at Vinita, Indian Territory, on May 23, 1901, in the matter of the application of Josh Vann; at Chelsea, Indian Territory, on June 13, 1901; at Vinita, Indian Territory, on October 12, 1901; at Muskogee, Indian Territory, on April 15, 1902, May 16, 1902, and May 21, 1902, are filed with and made a part of the record herein. Application was also made for the enrollment of Bettie Vann as a Cherokee Freedman by intermarriage, but she has been differently classified and is not embraced in this decision.

The evidence shows that the applicants herein were born subsequent to 1866 to one Jesse Vann. The evidence further shows that Jesse Vann was born since 1866 and is the son of one Susan Pea who was the slave of a Cherokee citizen at the commencement of the rebellion and removed from the Cherokee Nation, but did not return thereto within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation, and the only rights to enrollment as a Cherokee Freedman that Jesse Vann could claim would be those descending from his said mother. His children, the applicants herein, could acquire no rights which he, himself, did not possess.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mattie Vann and James Vann as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Proctor
Commissioner.

Muskogee, Indian Territory,

this APR 20 1904

Commissioner.

COPY.

Cherokee Freedmen
D-735.

Muskogee, Indian Territory, May 2, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mattie and James Vann as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-60.

COPY.

Cherokee Freedmen
D-725.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, rejecting the application for the enrollment of Mattie and James Vann as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Enc. D-59.

COPY.

Cherokee Freedman
D-728.

Muskogee, Indian Territory, May 3, 1904.

Mattie Vann,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your brother, James Vann, as Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Register

Enc. D-53.

COPY

Refer in reply to the following:
Land 30572-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 26, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated May 3, 1904, transmitting the record of the application of Mattie and James Vann for enrollment as Cherokee freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that the applicants were born since February 11, 1867, and are the descendants of one Susan Pea, who was, at the beginning of the war of the rebellion, a slave of a Cherokee citizen and removed from the Cherokee Nation during the war and did not return on or before February 11, 1867. The name of Susan Pea is not identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

MMM
G

FHE V.C.R.
J.P.

D.C. 18827-1904.
I.T.D.4344-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 4, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Mattie and James Vann as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,
Thos Ryan,
Acting Secretary.

1 inclosure.

Mog

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
D 725

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 14, 1904.

Bettie Vann,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of Mattie and James Vann as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 4, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 725

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Mattie and James Fann as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 4, 1904.

Respectfully,

Chairman.

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

D.C. 17169

I.T.D. 4344-1904.
383-1906.
5938- "

May 3, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 4, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in the Cherokee freedman case of James and Mattie Vann, adverse to the Applicants.

January 8, 1906, a motion for review was filed in the Department on behalf of the claimants, in which it is urged that such claimants are entitled to enrollment, as they are the minor children of Jesse Vann, the son of Susan Pee (or Pea), whose enrollment was directed in departmental letter of September 13, 1905, to the Commission to the Five Civilized Tribes.

While in said decision it was found that Susan Pee and her child, applicants in that case, complied with the treaty of 1866, and while it is probable that Jesse Vann also returned to the nation in 1866, when a small child, with his mother, it is shown that he left the nation some time prior to 1881, went to Kansas, and was there in that year married to a non-citizen, from which state he returned to the Cherokee Nation about ten years after-

wards. By this absence, with apparently no effects in the nation, he seems to have lost any rights he may have acquired in the nation through his mother. The mere fact that the grandmother of these applicants has a decision of the Department in her favor, is not sufficient to warrant their enrollment.

The motion, which was filed by J.J. Bulger, of Vinita, Indian Territory, is accordingly denied.

Respectfully,

Thos Ryan,

First Assistant Secretary.

Cherokee F
R. 382

Muskogee, Indian Territory, June 7, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith for your information a copy of Departmental letter of May 3, 1906, denying the motion filed by J. J. Bulger of Vinita, Indian Territory, January 8, 1906, for review in the Cherokee freedmen enrollment case of Mattie Vann et al.

Respectfully,

Incl.P-7.
MMP

Commissioner.

Cherokee F.
R. 322

Muskogee, Indian Territory, June 7, 1906.

J. J. Bulger,
Attorney for Mattie Vann et al.,
Baxter Springs, Kansas.

Dear Sir:

There is enclosed herewith for your information a copy of departmental letter of May 3, 1906, denying a motion filed by you January 8, 1906, for review in the Cherokee freedmen enrollment case of Mattie Vann et al.

Respectfully,

Commissioner.

Incl.P-6
MMP

Cherokee F
R. 382

Muskogee, Indian Territory, June 7, 1906.

Starr & Patten,

Attorneys for Mattie Vann et al.,

Vinita, Indian Territory.

Gentlemen:

As requested in your letter of June 1, 1906, you have been entered as attorneys of record for Mattie Vann et al. in the Cherokee freedmen enrollment case, and there is enclosed herewith a copy of the record of proceedings had therein, together with a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting their application.

These papers were forwarded to the applicant by registered mail May 3, 1904, at Vinita, Indian Territory, but were returned by the postmaster marked unclaimed. You are advised that the decision of the Commission rejecting their application was affirmed by the Secretary of the Interior June 4, 1904.

You are advised that this office is in receipt of Departmental letter of May 3, 1906, denying a motion for review filed January 8, 1906, by J. J. Bulger, of Vinita, Indian Territory.

Respectfully,

Commissioner.

MCP

Cherokee Freedmen
R 582

Muskogee, Indian Territory, August 30, 1906.

Starr and Patten,

Attorneys for Mattie Vann, et al,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on June 13, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Mattie Vann, et al. Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 12, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a "motion for rehearing" filed June 12, 1906, by Starr & Patton, Vinita, Indian Territory, of the Cherokee freedman case of Mattie and James Vann. The protest of the Attorney for the Cherokee Nation against the granting of this motion, filed July 5, 1906, is also enclosed.

The decision of the Commission to the Five Civilized Tribes dated April 20, 1904, rejecting the application for the enrollment of Mattie and James Vann as Cherokee freedmen, was affirmed by the Department June 4, 1904 (I.T.D. 4344-1904).

May 3, 1906 (I.T.D. 363-6938-1906), the Department in denying a motion for a review of this case, stated fully the facts therein.

While this is styled a "motion for rehearing" it is really a motion for review of the case, although it is supported by the affidavit of Jesh Vann, who testified in the

Muskogee, Indian Territory, February 12, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a "motion for rehearing" filed June 12, 1906, by Starr & Patton, Vinita, Indian Territory, of the Cherokee freedman case of Mattie and James Vann. The protest of the Attorney for the Cherokee Nation against the granting of this motion, filed July 5, 1906, is also enclosed.

The decision of the Commission to the Five Civilized tribes dated April 20, 1904, rejecting the application for the enrollment of Mattie and James Vann as Cherokee freedmen, was affirmed by the Department June 4, 1904 (I.T.D. 4344-1904).

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While this is styled a "motion for rehearing" it is really a motion for review of the case, although it is supported by the affidavit of Josh Vann, who testified in the

Secretary-2

case when it was heard before the Commission, and whose testimony in his own case was filed with and made a part of the record in this case.

It does not appear that sufficient reason is shown why the case should be further considered, and it is respectfully recommended that the motion be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. B-4

L M B

Commissioner

Secretary-2

case when it was heard before the Commission, and whose testimony in his own case was filed with and made a part of the record in this case.

It does not appear that sufficient reason is shown why the case should be further considered, and it is respectfully recommended that the motion be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner

Encl. B-4

L M B

DEPARTMENT OF THE INTERIOR,

LAND. OFFICE OF INDIAN AFFAIRS
39253-1906.
15810-1907. WASHINGTON.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of May 3, 1906, (I.T.D. 4344-1904), 363, 6938-1906), denying a motion for review on behalf of the applicants in the Cherokee freedmen case of James and Mattie Vann, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 12, 1907, enclosing a motion for re-hearing of this case, filed June 12, 1906, by Starr & Patten, of Vinita, I.T. This is set out as a "motion for re-hearing", but is really a motion for review of the case and a brief and argument on the evidence heretofore submitted.

It is supported by the affidavit of Josh Vann, who was a witness in the case when it was first heard before the Commission. It does not appear that any sufficient reason is shown why the case should be further considered.

The Office therefore concurs in the recommendation of the Commissioner to the Five Civilized Tribes that the motion be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HWB-SD.

J.F Jr.

DEPARTMENT OF THE INTERIOR, LLE.

WASHINGTON.

D.C.12319-1907.
I.T.D.5572-1907.
LRS.

March 1, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Mattie and James Vann, received with your letter of February 12, 1907, and Indian Office letter of February 26, 1907 (Land 15810), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by section 2 of the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 10 to Ind.Of.

A. F. Mc.
3-1-07.

Cherokee F
M 88

Muskogee, Indian Territory, April 8, 1907.

James Vann,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Starr & Patton, for a rehearing of the Cherokee freedman enrollment case of yourself and sister, Mattie Vann, was denied by the Secretary of the Interior, March 1, 1907.

Respectfully,

Geo. D. Rodgers.

LMC

Acting Commissioner.

Cherokee
R 882.

Muskogee, Indian Territory, April 8, 1907.

Starr & Patton,
Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of James and Mattie Vann, was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Leo D. Rood

Acting Commissioner.

Encl. U-44
LMC

Cherokee 7
R 382.

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing of the Cherokee freedman enrollment case of James Vann, et al., was denied by the Secretary of the Interior, March [illegible], 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. P. [illegible]

Acting Commissioner.

Encl. C-13
LMC

B 1D 105

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 1901
Asst.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 13, 1901

Post Office Vinita I.T.

District Delaware

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Doubtful

~~2. Name of Owner Doubtful Age 36~~

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

1. Martha Vann Year — Page — No. — Dist. — 4
2. James " Year — Page — No. — Dist. — 16
3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Doubtful

Application made by Ms. Stenographer M. D. Green

Card 2 Affidavits of birth to be supplied.

X Ref D415

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Hattie Vann,
Vinita, I. T.
Cherokee-F-D-725.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Returned to Writer
UNCLAIMED

MUSKOGEE, IND. TERR.
JUN 14
6 — P
1902

VINITA, IND.
JUL 23
1902

OFFICIAL BUSINESS
FOR PRIVATE USE

R 7827

~~Bettie Vann,~~

~~Vinita, Indian Territory.~~

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

~~1995~~

REGISTERED
MAR 22
1902
MUSKOGEE

3/3
288

UNCLAIMED

Mrs. Mattie Vann,

~~Vinita~~ Indian Territory.

REGISTERED
APR 22 1902
Vinita, Ind.

notified
3/23/02

MUSKOGEE, I.T.
JUL 28
11 — P

WASHINGTON, D.C.
JUN 5
7 AM

REGISTERED
MAIL
Vista, Ind. Ter.

RECEIVED
23
1902
MUSKOGEE, IND.

See Char. R. [illegible]

No. 383

SEP 11 1901
RECEIVED
COMMISSIONER OF PATENTS
DEPARTMENT OF INTERIOR

[illegible] to before me this 6th of September, 1901.

[illegible] Green, N. P.

(Seal.)

[illegible] being duly sworn, says that he is acquainted to the contents of the file [illegible] and that the statements therein and that the same is a true and correct [illegible] the certificate.

[illegible]

Sworn to and subscribed before me this the 6th of September, 1901.

[illegible]

Notary Public.

File with Eliza Waters, C.F. D-1040.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 18, 1901.

In the matter of the application for the enrollment of Robert Muskrat and his five children as Cherokee Freedmen.

Robert Muskrat, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Robert Muskrat.
Q How old are you? A I don't know, I can't tell you; my mother said I was born the year the stars fell; how long has that been?
Q That was about 1835. What is your postoffice? A McLain.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled as a Freedman of any other tribe or nation? A No, sir.
Q Have you been recognized by the Cherokee authorities? A Yes, sir.
Q Is your name on the Cherokee rolls? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q Your wife? A No, sir; I haven't any wife.
Q How many children have you got? A Seven or eight.
Q Give me the name of the oldest child? A Eliza.
Q How old is Eliza? A She is about 24.
Q Well she must appear for herself. A She can't come here.
Q Why? A She is in a delicate situation.
Q Give me the oldest child under 21? A Kizer.
Q How old is Kizer? A He is about 19.
Q The next child? A Eugene.
Q How old is he? A He is about 17.
Q The next one? A Candy, but then she is dead; next to Candy is Elijah.
Q How old is Elijah? A He is about 13.
Q Give us the next one? A Smith Ann.
Q How old is she? A She is going on 11 years old.
Q Well the next one? A Lucy.
Q How old is she? A She is 8 years old.
Q The next one? A That is all.
Q What was your wife's name? A Emma.
Q Was she a Cherokee Freedman? A No, sir, she was a Cherokee Freedman but then she didnt prove her rights; she claimed that her mother used to belong to the Drunkards.
Q Is she living? A No, sir.
Q What was her name before you married her? A Emma Drunkard she went by.
Q Is your name on the roll of 1880? A Yes, sir, it is on the roll.
Q Did you ever go by any other name besides Muskrat? A No, sir.
Q Were you a slave before the war? A Yes, sir.
Q What was your owner's name? A My owner's name was Anna Muskrat.
Q Where were you at the beginning of the war between the United States and the Confederacy? A Up here on Grand River.
Q Were you taken out during the war? A No, sir.
Q Always lived in the Cherokee Nation? A Always lived in the Cherokee Nation, never went out of the bounds at all.
Q Was your name placed on the roll of 1880, do you know? A No, I came to enroll here to Vinita, and a man named Bennett he told me he was going to put it down, I don't know whether he done it or not; anyhow, I never could find it on the roll.
Q When was that? 20 years ago? A Yes, sir, in 1880 when the Cherokees was taking the census.
Q You don't know the reason why it was never on the roll? A No, sir. I thought he said he was going to put it down, we here in Vinita; he was putting it down looked like to me; I didn't have any children

then.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton pay-roll examined, and the applicants identified thereon as follows:

Robert Muskrat on page 133, No. 3299, Bob Musrat, Canadian district;

Kizer Muskrat on page 133, No. 3301, Canadian district, as Ziza Musrat;

Eugene Muskrat on page 133, No. 3302, Canadian district, as Eugene Musrat;

Elijah Muskrat on page 133, No. 3304, Canadian district, as Elijah Musrat;

Smith Ann Muskrat on page 133, No. 3305, Canadian district, as Smith Ann Musrat;

Lucy Muskrat on page 133, No. 3306, Canadian district, as Lucy Musrat.

Q Your wife's name was never on the roll of 1880? A No, sir.

Mr. Davenport, attorney for Cherokee Nation: Yousay you never went out of the Territory at all during the war? A No, sir, only - -

Q Who did you live with during the war? A I lived with my mistress.

Q Who was that? A Annie Muskrat.

Q Where was she living at that time? A She was living up here close to Vinita about two miles east from Vinita, close to Dave Landrum.

Q She was a Cherokee citizen, was she? A I guess she was, she was a full blood Cherokee.

Q Now then after the war where did you go? A I went on Big Creek and stayed there a long time and then I came back here.

Q Who did you live with on Big Creek? A I lived to myself, but I lived close to my niece, Minerva Whitmire.

Q Who else lived over there in that country? A A heap of them lived there, the Wards and Sanders.

Q Which Sanders? A Bill Sanders.

Q When you left Big Creek where did you go? A I stayed there a while up on Lightning Creek a while and then I come here.

Q Came here to Fort Gibson? A I came up here to where I am living now.

Q Where are you living now? A In Canadian.

Q How long did you live in Fort Smith? A I never was in Fort Smith but once in my life, and I didn't stay there more than one day.

Commissioner Needles: Have you got any witnesses here now that knew you? A Yes, sir: why they didn't have any witnesses before when I came in here, they just took my word for it.

Q Have you got any witnesses here now, anyone here that knew you? A Yes, sir, Hannah Thomas knows me and the Landrums, they are my nieces.

Q Hannah Thomas, she is not on the roll of 1880 neither? A No, sir, the reason she missed that was by changing her name by marrying: she is Landrum, she is there as a Landrum: I come from Georgia with the Indians.

HANNAH THOMAS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Hannah Thomas? A Yes, sir.

Q How old are you? A I am about 43 or 44.

Q Do you know Robert Muskrat? A Yes, sir.

Q How long have you known him?, A I have been knowing him about 9 or ten years.

Q You didn't know him then right after the war?, A No, sir.

Commissioner Needles: The name of Robert Muskrat is found upon the Kern-Clifton pay-roll, as well as his children, Kimer, Eugene, Elijah, Smith Ann, and Lucy, but it cannot be found upon the authenticated roll of 1880. He avers that he was a slave belonging to one Annie Muskrat, a Cherokee citizen, and was born and raised in the Cherokee Nation and never lived out of it. He avers that he came from Georgia with the Indians. He is duly identified and makes satisfactory proof as to his citizenship, and as to his residence.

Now comes the Cherokee authorities, by their attorney, Mr. Davenport, and protests against the enrollment of Robert Muskrat and his children, and consequently final judgment as to their enrollment will be suspended and their names will be placed upon a doubtful card.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 18th of April, 1901.

Signed, T. B. Needles,
Commissioner.

- -

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4th, 1901.

Supplemental testimony in the matter of the application of Robert Muskrat, C.F.D 729.

Applicant, Robert Muskrat called three times and does not appear.

By Com'r Breckinridge: There is filed with the case of Robert Muskrat an affidavit and copy of notice showing that he was informed that his case would be called for the taking of additional testimony on this day, and the affidavit shows that the notice was mailed to him by J. C. Starr, and there is also filed herewith a register receipt indicating that he had received the notice referred to. He has no attorney of record. Mr. L. E. Bell represents the Cherokee Nation herein.

SUSAN LANDRUM called and sworn as a witness by Comr Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your full name please? A Susan Landrum.
Q How old are you? A I will be 71 the first of April.
Q What is your postoffice? A I dont know as I have got any, I just go around among my children.
Q Where do you get your mail now? A Vinita I reckon.
Q How long have you lived in the Cherokee Nation? A I can't tell how.
Q Where were you born? A In Cegasiage.
Q What is where? A In Georgia, and we moved from there to Alabama and from there to Springfield and I have lived here ever since I was 12 years old.
Q You have lived in this Cherokee Nation here ever since you were 12 years old? A Yes, sir.
Q In the Indian Territory? A Yes sir.
(By Mr. Bell)
Q Where do you live when you are at home? A Rolling, in Coo-

Weesaowee.

Q Where were you living in the year 1861, when the war begun?

A Right there on the mouth of Little Cabin.

Q What district? A Delaware.

Q What Nation? A Cherokee.

Q Indian Territory? A Yes sir.

Q How long had you been living there up to 1861? A We lived there two years up to the war, got to refugeeing time of the war.

Q Are you acquainted with one Annie Muskrat? A Yes, sir.

Q Where did she live? A Time of the war and just before she lived within a mile of my house, between Locust and Cabin.

Q How long had she lived there before the war broke out? A Two years.

Q Then you both lived there about the time time? A Yes sir.

Q ~~xxxxxxxxx~~ Are you intimately acquainted with the family? A Yes sir.

Q Do you know of any slaves they owned? A She never had any.

Q Did she own any man or woman at that time? A No sir.

Q Did you ever see a man or boy there named Robert? A No sir.

Q What became of Mrs. Annie Muskrat when the war begun? A We all went down south together, and she died there.

Q She didn't return? A No sir.

(By Commissioner)

Q Did you know a colored man named Robert Muskrat? A No sir.

Q What was the name of Annie Muskrat's husband? A Her husband she had while she was living there by me?

Q Yes madam? A Broom Cramp.

Q Did he have any slaves? A No sir he was just a full blood Cherokee.

Q Was Annie Muskrat a full blood Cherokee? A Yes sir.

Q Did her father have any slaves? A I dont know about her father, they said he had some, I never seed them; I think they died back in the old country.

Q Did she not have any slaves at all? A Her married daughter let her have a girl to cook and wash for her, but that was all.

Q How far did Annie Muskrat live from you? A Mile.

Q How long had you lived there as neighbors? A Two years.

Q And you went south with her? A Yes sir, not exactly when I did, we all left there and went to Maysville together.

Q How long after that before she died? A I can't tell you.

Q Did she live until after the war? A No sir, she died before the war closed.

Q Did you know her before she lived on Cabin Creek? A Yes sir, on Spavinaw.

Q Did you ever know of her to possess any slaves at all? A Yes sir, but when her daughter married she gave them to her.

Q How long before the war was it that her daughter married? A About five years.

Q Did she have men and women slaves both? A No sir, just a woman and three little children.

Q Her only slaves then were a woman and three children? A Yes sir, and the woman's mother Lucy was there but she just staid first one place and then another.

Q You never heard before of a colored man named Robert Muskrat?

A No sir not until you all rousted up his name here.

Q Did you know a young colored woman named Eliza Muskrat? A No sir I dont know her.

Q Do you know a young colored man named Kaiser? A Yes sir.

(By L. B. Bell)

Q How far did this daughter live from Annie Muskrat? A A mile.

Q All of you were in the same neighborhood? A Yes sir.

Q What was this daughter's name? A Easter.

Q. What is your name, and [illegible] Aaron Landrum.
Q. The [illegible] Aaron Landrum? A. [illegible] to my husband.
(By Court) [illegible] called as additional testimony in C.T. [illegible], the same being the case of Robert Muskrat et al.

[illegible]

Chas. Van Velzer, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, Chas. Van Velzer.

Subscribed and sworn to before me this 6th of September, 1901.

Signed, M. D. Green, N. P.

(Seal)

- -

Bruce B. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce B. Jones

Sworn to and subscribed before me this the 9th of September, 1901.

M D Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 3, 1901.

In the matter of the application of Eliza Waters for the enrollment of herself and one child as Cherokee Freedman.

Eliza Waters, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Eliza Waters.
Q How old are you? A I am 22.
Q What is your postoffice address? A Tushkahoma.
Q Is that in the Cherokee Nation? A No, sir, it is in the Choctaw Nation.
Q Are you living in the Choctaw Nation? A Yes, sir.
Q Do you apply for the enrollment of anyone besides yourself?
A Yes, sir, my baby, Alfred Waters.
Q You apply for enrollment as a Cherokee Freedman, do you?
A Yes, sir.
Q Have you ever applied for enrollment in any other nation or tribe? A No, sir.
Q Never applied for enrollment in the Choctaw Nation? A No, sir, I am not any Choctaw, I am a citizen of this Nation.
Q What is the name of your father? A Bob Muskrat.
Q Is he living? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir, he is a Cherokee Freedman.
Q What is the name of your mother? A Emeline Muskrat.
Q Is she living? A No sir she is dead.
Q Was she a Cherokee Freedman? A Yes, sir, she was a Cherokee Freedman but she hadn't yet proved up her right.
Q Is your name upon any of the Cherokee rolls? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir; I don't know whether my name is on that, I was a girl, my father had my name put down.
Q Have you ever drawn any money from the Cherokee Nation?
A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I lived here until I was grown and married.
Q Where were you married? A I can't give the date now.
Q About how long ago? A I have been married 10 years.
Q After you were married you left the Cherokee Nation? A Yes, sir.
Q Where did you go? A Went in the Choctaw Nation.
Q You been living there continuously since that time? A Yes, sir.
Q What is the name of your husband? A James Waters.
Q Is he living? A Yes, sir, he is living.
Q Is he a Cherokee Freedman? A No, sir, he isn't, his home is in the Choctaw Nation.
Q Is he a Choctaw freedman? A No, sir, I don't know as he is.
By L. S. Bell, Cherokee Attorney: Where were you born? A I was born on Big Creek.
Q On Big Creek where? A Up north here.
Q Cherokee Nation? A Yes, sir.
Q Where about did you live up there? A Up close to Vinita somewhere, I don't know just exactly the name of the place.
Q How old were you when you left that country? A I was 16 years old, I married at 16.
Q How far was that from Vinita where you lived: how far did you live from Vinita? A I don't know sir.
Q 20 miles, 30 miles, 50 miles, 10 miles? A I don't know, I never paid no attention how far it was.
Q Did you ever go to Vinita? A Yes, sir, went there.
Q How long did it take you to go from your house to Vinita, one day or two? A One day.

Q Who did you live near by up there on Big Creek? A By our kin folks up there.

Q Who is all that, what was their names? A There was - - I don't know their names; I knew their names too: Uncle Luster Foreman lived close by.

Q Anyone else? A No, sir, not anyone else that I know of, I forget. I have been away quite a while.

Q You married up there? A No, sir, I went on a visit to the Choctaw Nation and married there.

Q You married in the Choctaw Nation? A Yes, sir.

Q You left up there and went to the Choctaw Nation and married when you were about 16? A Yes, sir, when I was 16 years old.

Q But you don't recollect any of your neighbors but Luster Foreman? A Yes, sir.

Q He lived there on Big Creek did he? A Yes, sir, lived there; I lived all round.

The 1880 authenticated roll of Cherokee Freedman examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedman examined and the applicants not identified thereon.

Commission: Did you draw Kern-Clifton money? A Yes, sir.

Q Did your father draw for you? A My father drew it for me.

The Kern-Clifton roll examined, and the applicant, Eliza Waters, identified thereon, page 133, No. 3300, Canadian District, as Eliza Musrat.

The Wallace roll examined and the applicants not identified thereon.

Q How old is your child, Albert Waters? A He is 5 years old.

Q He ~~xxxxxxxx~~ is alive and living with you at the present time? A Yes, sir, living with me.

Q James Waters is his father? A Yes, sir.

Commission: Eliza Waters applies for the enrollment of herself and one child as Cherokee Freedman. She is not identified upon the roll of 1880 or the census roll of 1896. She is, however, identified upon the Kern-Clifton roll with her father as a Cherokee Freedman. She avers that she made her home continuously in the Cherokee Nation up until the time of her marriage, some ten years ago; since that time she has been living at Tushkahoma in the Choctaw Nation. Her child, Alfred Waters, is not identified upon any of the rolls in the possession of the Commission. The said Eliza Waters and her child Alfred Waters will be duly listed for enrollment on a doubtful card, as Cherokee Freedman. The applicant will be required to file with the Commission a properly executed birth affidavit as to the birth of her son, Alfred Waters. She avers that she is the child of Robert Muskrat, and it appears from the records of the Commission that he has been duly listed for enrollment as a Cherokee Freedman upon a doubtful card, No. 19. The testimony taken in the case of the said Robert Muskrat will be made a part of the record in the case at bar, and a copy filed herewith. ~~xxxx~~

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 8th of September, 1908.

M. O'Neen
Notary Public.

Cherokee Freedmen D-1040.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Waters for the enrollment of herself and her minor children, Alfred and Jimmie Waters, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on September 9, 1901, Eliza Waters appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of herself and her minor child, Alfred Waters, as Cherokee Freedmen. Subsequent to the date of her original application an affidavit was filed showing the birth of her minor child, Jimmie Waters, and the same is made a part of the record herein. A copy of the testimony taken in the case of Robert Muskrat, Cherokee Freedmen D 59, is made a part of the record in this case.

The evidence shows that all the applicants herein were born since 1866 and are the descendants of Robert Muskrat, having no rights to enrollment except such as they may have derived through him. It is not established by the evidence that said Robert Muskrat was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation, of the commencement of the rebellion.

The name of said Eliza Waters is not found on the 1880 authenticated roll of the Cherokee Nation, and the other applicants are too young to appear thereon.

It is, therefore, the opinion of this Commission that the application for the enrollment of Eliza Waters, Alfred Waters

and Jimmie Waters as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

W E Stancy

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 5 1904

COPY.

Cherokee F. D-140.

Muskogee, Indian Territory, March 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Eliza Waters for the enrollment of herself and her two minor children, Alfred and Jimmie Waters, as Cherokee Freedmen, including the Commission's decision, dated March 5, 1906, rejecting said application.

Respectfully,

C. R. Breckinridge

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

Enc. 6-34

COPY.

Cherokee F. D-1040

Muskogee, Indian Territory, March 16, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1906, rejecting the application of Eliza Waters for the enrollment of herself and her two minor children, Alfred and Jimmie Waters, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge,

Commissioner in Charge.

Enc. C-33

COPY.

Cherokee F.D. 660

Muskogee, Indian Territory, March 16, 1904.

Eliza Waters,

Tushkahoma, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Alfred and Jimmie Waters, as Cherokee Freedmen, together with a copy of the Commission's decision, dated March 5, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. G-31

COPY.

Cherokee F.D-1040

Muskogee, Indian Territory, March 16,1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
General Office.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision, dated March 5,1904, rejecting the application of Eliza Waters for the enrollment of herself and her two minor children, Alfred and Jimmie Waters, as Cherokee Freedmen.

It appears that Alfred Waters has also been listed for enrollment by this Commission on Choctaw Freedmen Card No. D-49.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. H. Breeden.

Enc. G-32

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 13, 1904.

Land.
19277-1904

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated March 25, 1904, transmitting the record relative to the application of Eliza Waters for enrollment of herself and two minor children, Alfred and Jimmie Waters, as Cherokee freedmen.

The principal applicant in this case claims descent from Robert Muskrat. She was 25 years of age at the time her testimony was taken, September 9, 1901, and was, therefore, born since the close of the Civil War. Whatever rights she has as a Cherokee freedman have been obtained by reason of descent from Robert Muskrat who, it appears from the record, is her father.

The Commission to t he Five Civilized Tribes on March 5, 1904, held that these applicants were not entitled to enrollment as Cherokee freedmen. None of them are identified by the 1880 roll. Robert Muskrat swore positively that he was, at the commencement of the war, the slave of Annie Muskrat who he guessed was a citizen of the Cherokee Nation, as she was a full blood Cherokee. From the record it does not seem that he left the Cherokee Nation during the war. The only testimony in this case which controverts that of Robert Muskrat is the testimony of Susan Landrum. She says that she

was well acquainted with Annie Muskrat, and that Annie Muskrat did not own any slaves at the commencement of the war. This office does not consider that the preponderance of the testimony shows that Robert Muskrat, father of the principal applicant in the case, was not a slave of a Cherokee citizen at the commencement of the war andi it cannot, therefore, concur in the conclusion reached by the Commission.

It is recommended that the record in the case be remanded and that the Commission be directed to determine if possible, whether Annie Muskrat was a citizen of the Cherokee Nation and whether Robert Muskrat, father of the principal applicant in this case, belonged to Annie Muskrat at the commencement of the rebellion.

Very respectfully,

W. A. Jones,

GAW-D

Commissioner.

[illegible]

I.T.D. [illegible]
[illegible]

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you submitted the case involving the application of Eliza Waters for the enrollment of herself and minor children, Alfred and Jimmie Waters, as Cherokee freedmen (F.Del040), having on March 8, 1904, rendered a decision holding that the applicants were not entitled to enrollment.

Submitting the case April 15, 1904, the Commissioner of Indian Affairs states that it is not considered that the preponderance of the testimony shows that Robert Muskrat, father of the principal applicant, was not a slave of a Cherokee citizen at the commencement of the rebellion, and he cannot therefore concur in the conclusion reached by your commission, but he recommends that the record be returned, with directions to you to determine, if possible, whether Annie Muskrat was a citizen of the Cherokee Nation and whether Robert Muskrat, father of the principal applicant, belonged to Annie Muskrat at the commencement of the civil war.

The Department does not concur in this recommendation. The testimony warrants your decision. Besides, on April 16, 1904, the Department, following the recommendation of the Indian Office, affirmed your decision rejecting the application of said Robert

Hualrist for enrollment as a Shawnee freedman. Your decision is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

1 inclosure.

Signed. Thos. Ryan,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
FHE

D.C. 18830-1904.

June 2, 1904.

I.T.D. 3166-1904.
LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you submitted the case involving the application of Eliza Waters for the enrollment of herself and minor children, Alfred and Jimmie Waters, as Cherokee freedmen (F.Del040), having on March 5, 1904, rendered a decision holding that the applicants were not entitled to enrollment.

Submitting the case April 13, 1904, the Commissioner of Indian Affairs states that it is not considered that the preponderance of the testimony shows that Robert Muskrat, father of the principal applicant, was not a slave of a Cherokee citizen at the commencement of the rebellion, and he cannot therefore concur in the conclusion reached by your commission; but he recommends that the record be returned, with directions to you to determine, if possible, whether Annie Muskrat was a citizen of the Cherokee Nation and whether Robert Muskrat, father of the principal applicant, belonged t to Annie Muskrat at the commencement of the civil war.

The Department does not concur in this recommendation. The testimony warrants your decision. Besides, on April 15, 1904, the Department, following the recommendation of the Indian Office, affirmed your decision rejecting the application of said Robert

Muskrat for enrollment as a Cherokee freedman. Your decision is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Signed Thos. Ryan,
Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 1640

Muskogee, Indian Territory, June 14, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Elisa, Alfred and Jimmie Waters as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 2, 1904.

It appears from the Commission's records that the above named Alfred Waters has also been listed for enrollment on Choctaw Freedmen card No. D 49.

Respectfully,

Chairman.

Cherokee Freedmen
N 1040

Muskogee, Indian Territory, June 14, 1904.

Eliza Waters,

Tushkahoma, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 6, 1904, rejecting your application for the enrollment of yourself and your two minor children, Alfred and Fannie Waters, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 164

Muskogee, Indian territory, June 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Eliza Waters and her two minor children, Alfred and Jimmie Waters, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

1

3D 1040

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 9 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 9, 1901

Post Office Tuskahoma, I T

District

Doubtful

Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

1. Name of wife Eliza Watters Age 25

Owner's name Citizenship

Year A b Page 133 No. 9300 District Leanadian

Parents:

Father Bob Murdarat lic. Citizenship Leslond

Mother M Emmeline Murdarat Citizenship "

Names of Children:

2 Alfred Watters Year Page No. Dist. 5

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by #1 Stenographer B. L. Jones

#1 on A. b. Roll as Eliza Murdarat

#2 Birth Cert. required

X Ref to D 59.

D
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902
CLERK

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Eliza Waters,
Tushkahoma, I. T.
Cherokee-F-D-1040.
Register.

Gr. Fr. R. 384

N

J-D8

FILED
APR 4 1967

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 4, 1901.

In the matter of the application of Dellie Umphuris for enrollment as a Cherokee freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Dellie Umphuris.
Q How old are you? A I don't know exactly; about 54.
Q What is your postoffice address? A Fort Gibson.
Q What district do you live in? A Illinois District.
Q Do you apply to be enrolled as a CherokeeFreedman? A Yes sir.
Q Did you ever apply to any other nation or tribe to be enrolled? A No sir.
Q Whom do you want to enroll besides yourself? A Nobody but myself.
Q Your name on the rolls of the Cherokee Nation? A I don't guess it is; I tried to be registered twice; I was registered on the Wallace Roll.
Q Were you a slave? A Yes sir.
Q What was your owner's name? A John Harnage.
Q Where were you atthe beginning of the war between the United States and the Confederacy? A In Texas.
Q Where were you born? A I was born and raised in Flint.
Q When did you go to Texas? A I don't know sir.
Q How long did you live in Texas? A I don't know that either.
Q When did you come back to the Cherokee Nation? A In 1866.
Q What time in 1866? A I started back here in March and got her in April by being water-bound.
Q Where have you been living since that? A Here and in the Chickasaw Nation. I married a Chickasaw and went to the Chickasaw Nation and staid there a while; he wouldn't come back with me and I come back myself. He come and got me and I come back here again.
Q Where were you living in June, 1898? A Out in the Chickasaw Nation.
Q How long since you come from the Chickasaw Nation here? A Last April; one year.
Q The fact is then, you have been living in the Chickasaw Nation for some years until last April? A Yes sir, I have been staying here more that half my time. I don't stay out there nor here. I stay at both places.
Q Are you married? A Yes sir.
Q What is your husband's name? A Umphuris.
Q You were a slave before the war? A Yes sir.
Q What is your father's name? A I don't know.
Q What is your mother's name? A Sibbie Adair; she belonged to to Nippy Adair.
Q She living? A No sir, she's dead.
Q You got any childre? A No sir.

Examination by Mr. W. W. Hastings representative of the Cherokee Nation-
Q You applied to the Kerns and Clifton Commission five years ago? A Yes sir.
Q You then stated that you were a slave of John Harnage? A Yes sir.
Q You then stated that he took you to Texas about 11 years before the war? A Yes sir, I supposed that.
Q Was that statement true you think? A I guess so, I know he carried me away, I don't know how long it was before the war.
Q Whom did you come back to the country with after the war? A With Oscar Adair, Johnson Adair, a white man named Dr. Morrow.
Q This Oscar Adair lived in Sequoyah District? A Yes sir.
Q What part of the Cherokee Nation did you come to? A Sequoyah.
Q How long did you remain in Sequoyah before you left there that time when you come back in '66? A I come there in '66 and I staid there a while with Aunt Eliza Ragsdale; that was my home. I went to Fort Smith. I was hired out, cooking in a hotel, but my home was over on this side.

R- D. U.

Q How long did you retain your home in Sequoyah District? A A long time until I married in '76.
Q Where? A I married over in Fort Smith; married this Chickasaw man.
Q Then you went to the Chickasaw Nation? A Yes sir, he was witness there and I went with them.
Q And since that time you lived in the Chickasaw Nation principally with him? A Yes sir.

Commissioner-
Q Did you belong to anybody in Texas - did Harnage ever sell you in Texas? A No sir, I staid with him until I was set free.

By W. W. Hastings-
Q You didn't draw any money three or four years ago? A No sir, never have drawn any.

Commissioner-
Q Is your name on any of the rolls of the Cherokee Nation at all? A No, except the Wallace roll.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found thereon.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

Applicant- I suppose I would be enrolled as Dollie Harnage.

Commissioner-

Dollie Umphuris applies for the enrollment of herself; she avers that she was a slave of John Harnage; John Harnage removed with her to Texas ten or eleven years before the war with the Confederacy, and that said John Harnage was readmitted to Cherokee citizenship as shown by the records of the Cherokee Nation. She avers that she returned to the Indian Territory in the year 1866, the conditions more particular described in the testimony. Her name does not appear upon any of the rolls of the Cherokee Nation. Further judgment as to the matter of the enrollment of said Dollie Umphuris will be suspended and her name will be placed upon a doubtful card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. T. Rothenberger

Subscribed and sworn to before me this 4th day of April, 1901.

Commissioner.

[illegible] to Cherokee citizenship after he came? [illegible] understand that he was.

A. No, sir, he is dead.

Q. [illegible] Cherokee Nation? A. Yes, sir.

Q. [illegible] Delia Humphries returned to the Cherokee Nation [illegible] or not? A. Yes, for I have [illegible] she ever returned or not? A. Yes, for I have [illegible] I don't know when she returned.

Q. You don't know whether she came back before Hannah or afterwards? A. No sir.

Q. Did Hannah and her family didn't return until some years after the war? A. No sir, not.

Mr. Hastings: The Cherokee Nation now desires to introduce and have copied from the record in Cherokee Doubtful Case D-646, being that of Austin L. Hannah, a certificate of recognition of J. C. Hannah and Emily Hannah, dated January 27, 1881.

Commissioner: That will be made a part of the record in this case.

****

Bruce O. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 5th of November, 1901.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Dollie Humphries for enrollment as a Cherokee Freedman.

Testimony introduced on part of Cherokee Nation.

Commissioner: The Nation presents satisfactory proof of Notice to Dollie Humphries that this testimony would be taken on the 4th day of September; the said Dollie Humphries not appearing.

Appearances:
Applicant not present;
W. W. Hastings, of counsel for Cherokee Nation.

MARK BEAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Mark Bean.
Q What is your age? A 58.
Q What is your postoffice? A Evansville, Arkansas.
Q You lived in the Cherokee Nation or Arkansas? A In the Cherokee Nation.
Q You a Cherokee by blood? A Cherokee by blood, and so recognized.
Q I will ask you if you know John Harnage? A Yes, sir.
Q What is his wife's name? A Emily Harnage.
Q Did they have any children? A Yes, sir.
Q What was their names? A There was Zeke Harnage and Sarah Harnage and William, Ida, Mary, Belle, and Gustus.
Q Did you know John Harnage before the war, and his family?
A Yes, sir.
Q Where did they live when you first knew them? A Going Snake District, Cherokee Nation.
Q Were they living there when the war came up? A No, sir.
Q What became of them? A They moved to Texas, Rusk County, Texas.
Q How long before the war? A They moved there in '55 or '56, right along there.
Q How far did they live from you when they moved? A About three miles.
Q You are relation to them? A Mrs. Harnage is a first cousin of mine.
Q Now I will ask you whether or not they sold out their effects when they left? A They sold out their place and everything they had I suppose, to a brother-in-law of mine, Ben Goss, who lives on the place now.
Q Well, how do you know they went to Texas? A I was down there in '57 and saw them, went to their house and visited them.
Q They lived there? A Lived there.
Q Owned a farm? A Owned a farm.
Q Do you know whether or not they continued to live there up until the war came up? A Yes, sir, they were there when the war came up, and during the war; we refugeed right there in that neighborhood, my mother did; I was there frequently through the war.
Q They never returned here until after the war? A No, sir.
Q Do you know this applicant, Dollie Humphries? A Yes, sir.
Q Do you know whether they had her or not? A Oh yes, she was there in Texas.
Q Do you know whether or not she belonged to them or not? A She belonged to them here, and she went belonged to them there in Texas on the place during the war.
Commissioner: When did they return; when did Harnage return from Texas to the Cherokee Nation? A Some years after the war, I don't remember just the time.
Q Did he bring Dollie Humphries with him? A I don't know.

Q Was Harnage readmitted to Cherokee citizenship after he came?
A I understand that he was.
Q Is he living? A No, sir, he is dead.
Q He died in the Cherokee Nation? A Yes, sir.
Q Do you know when Dellie Humphuries returned to the Cherokee Nation from Texas, or whether she ever returned or not? A Yes, for I have saw her here since; I don't know when she returned.
Q You don't know whether she came back before Harnage or afterwards?
A No, sir.
Q But Harnage and his family didn't return until some years after the war? A He did not.

Mr. Hastings: The Cherokee Nation now desires to introduce and have copied from the record in Cherokee Doubtful case D-646, being that of Custis L. Harnage, a certificate of readmission of J. C. Harnage and Emily Harnage, dated January 27, 1881.

Commissioner: That will be made a part of the record in this case.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 5th of September, 1901.

M D Green
MD

Commissioner.

2 FEB 1901
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COMMISSION TO THE LAW REVISED TRIBUNAL
DEPARTMENT OF THE INTERIOR

File with C.F. 1-6.

Commission on Citizenship.

Tahlequah C.N. Jan. 27th 1881.

Case No. J. C. Harnage,
Emily W. Harnage
vs.
Cherokee Nation. } Petition for Citizenship.

The above case submitted by both parties after taking the testimony. Jan. 31st 1881.

The testimony shows to the satisfaction of the Commission that the above named claimants, J. C. Harnage and Emily W. Harnage are Native born Cherokees but have resided in the state of Texas for a number of years, becoming a citizen of that State, but now desires to return to their native country. The Commission therefore admit them to all the rights, privileges and franchises of Cherokee citizenship by blood.

Jan. 31st 1881.

Roach Young, President.

William Harnage } Ass, of Com.
G. W. Mayes

J. B. Mayes,
Clerk Commission.

Transcript furnished this Sept. 29, 184
G. G. Fry, Clk.
Commission on Citizenship.

Executive Office Cherokee Nation,
Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the Citizenship records now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 22nd day of October 1900.

Signed, B. W. Alberty.
Assistant Executive Secretary,
Cherokee Nation.

(Seal)

- -

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original as filed in the records of this Commission, Cherokee Doubtful case No. 1-6, Curtis L. Harnage.

Bruce C. Jones

Sworn to and subscribed before me this the 5th of September, 1907.

M D Green
Commissioner.

Daily Democrat

Q. To whom did [illegible] John Hennigan?
Q. Was your father [illegible] the Cherokee Nation [illegible]
[illegible] longer to [illegible] time he was a part of the [illegible]
[illegible] were?
Q. Did your father [illegible] the Cherokee [illegible] A. Yes sir.
Q. About [illegible] A. I could recollect, my best knowledge [illegible]
[illegible] time [illegible] of my memory [illegible]
Q. You may [illegible] A. [illegible]
Q. Did he take [illegible] with him to the State of Texas? A. Yes sir.
Q. Did he take the applicant? A. Yes sir.
Q. You know what the [illegible]
A. [illegible]
Q. About what [illegible] Indian Territory, but left there in the spring of 185 or 186.
Q. You know [illegible] about where he was young? A. [illegible]
there is none in this county.
Q. That after John Hennigan was a citizen of the State of Texas?
A. Yes sir.
Q. He was recorded [illegible] to the Cherokee Nation? A. Yes sir.
Q. And was re-admitted to citizenship? A. Yes sir.
Q. Whether [illegible] lived since then? A. No sir.
Q. You don't know how long she has lived in the Cherokee Nation?
A. No sir.
Q. When you [illegible] ask the applicant after she came to the State of Texas? A. She was living in Texas.
Q. About whether [illegible] Stowe's claim?
Q. That was in the State of Arkansas? A. Yes sir.
Q. Did you know her afterwards living in the Cherokee Nation?
A. No sir.
DOCTOR WARNER to applicant: [illegible] questions?
Applicant: [illegible]
Witness: I [illegible]

[illegible] cross before, being duly examined by W. A. Hastings, testified

SEP 1 1906

SUPPLEMENTAL: File with GRD-2, Dolly Humphries.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., September 5, 1901.

In the matter of the enrollment of Dolly Humphries as a Cherokee Freedman;
EZEKIEL HARNAGE, being sworn and examined by Commissioner Needles testified as follows, on the part of the applicant:

Appearances:
Applicant, Dolly Humphries, in person.
W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Ezekiel Harnage.
Q What is your age? A 52.
Q What is your post-office? A Foyil, I. T.
Q Are you a citizen of the Cherokee Nation, by blood? A Yes sir.
Q You know Dolly Humphries? A I don't know her by that name, I know her by Doll.
Q Well is this the applicant here? A I believe she is to the best of my knowledge she is.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A John Harnage, my father.
Q Was John Harnage a Cherokee citizen? A He was a citizen of the State of Texas.
Q Was he ever a citizen of the Cherokee Nation? A Yes sir, he had been a citizen of the Cherokee Nation.
Q Was he a citizen of the State of Texas when he died? A No sir, he moved in here.
Q Been re-admitted had he? A Yes sir.
Q What do you know of the applicant, did you know the applicant in the State of Texas? A Yes sir.
Q You know when she returned or removed to the Cherokee Nation?
A I know when she left where we lived there.
Q When was that? A In the spring of '65 to the best of my knowledge.
Q You were living there when she left? A Yes.
Q You don't know when she arrived here? A No, I don't know anything about her.
COM'R TO APPLICANT: You want to ask him any questions?
Applicant: No sir.

BY MR. HASTINGS:
Q How long had John Harnage been a citizen and resident of the State of Texas when you came up? A Quite a number of years.
COM'R NEEDLES:
Q But he had removed from the Cherokee Nation to the State of Texas? A Yes sir.
Q You know whether the applicant was a slave of John Harnage while he lived in the Cherokee Nation? A She was.
Q She removed with him to Texas? A Yes.
BY MR. HASTINGS:
Q About what time did he remove to Texas, do you know or have any idea? A In '56 or '7 I guess it was, to the best of my knowledge it was.

W.T.HARNAGE, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A W.T.Harnage.
Q What is your age? A 33.
Q What is your post-office? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q You know the applicant, known now as Dolly Humphries? A Yes sir.
Q How long have you known her? A All my life.
Q Was she a slave? A Yes sir.

Dolly Chuhuris Sworn To.

Q To whom did she belong? A John Harnage.
Q Was John Harnage a citizen of the Cherokee Nation when she belonged to him? A Part of the time he was and part of the time he wasn't.
Q Did John Harnage remove out of the Cherokee Nation? A Yes sir.
Q About whatyear? A I can't recollect, my best knowledge is though some time in '60, '66 or '7, somewhere along there.
Q You any relation of his? A Son of his.
Q Did he take his slaves with him to the State of Texas? A Yes sir.
Q Did he take the applicant? A Yes sir.
Q You know when the applicant returned to the Cherokee Nation? A No sir, I know about the time she left Texas.
Q About what time did she leave Texas? A She left there in the spring of '65 or '66.
Q You know what she said about where she was going? A She left there to come to this country.
Q That after John Harnage was a citizenof the State of Texas?
A Yes sir.
Q He afterwards removed to the Cherokee Nation? A Yes sir.
Q And was re-admitted to citizenship? A Yes sir.
Q Youknew where the applicant has lived since that? A No sir.
Q You don't know how long she has lived in the Cherokee Nation?
A No sir.
Q When was the first time you saw the applicant after she left the state of Texas? A She was living in Ft. Smith.
Q About whatyear was that? A Somewhere along in '70.
Q That was in the State of Arkansas? A Yes sir.
Q Did you know her afterwards living in the Cherokee Nation?
A No sir.

COM'R NEEDLES to applicant: Youwant to ask him any questions?
Applicant: It was '67.
Witness: I wasn't here in '67; I was in Texas.

DOLLY CHUHURIS, being called, and having been sworn in her case before, being now examined by W.W.Hastings, testified:

Q Where do you live? A Chickasaw Nation.
Q At Wynnewood? A Yes sir.
Q Married down there? A Yes sir.
Q How long you been living there? A About 20 years, 26, somewhere along there.
Q You ever apply to the Chickasaw Nation to be admitted as a Freedman? A No sir.
Q Have you ever drawn money in the Chickasaw Nation? A No sir.
Q Ever draw money in the Cherokee nation? A No sir.
Q Never drawed from either? A No sir.
Q Have you anychildren? A No sir.
Q You are married? A Yes sir.
Q Married in the Chickasaw Nation? A Yes sir.
Q Living there now? A Yes sir.

M.D.Green, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this September 6, 1901.

Commissioner.

Fort Gibson 6-23-1906

Mr Kincer

Washington D C

Dear Sir.

My wife has don all you told her to do. She registed the letter to Hayston that you sent her . . . her young master wanted to know from her recently why that she was not on the roll she was never sold & was set free under the Cherokees & was back home in the Cherokee nation year 1866. I met the Vann roll in the Cherokee nation allso I met the Corrent & Clifton roll & I can prove who I am & I know that you will give me Justic if you will please reopen my case I will prove who I am before the doss commishion by my young master & mistes

Very sincerely yours

Dollie Humphrey

Fort Gibson I T

P.S. Mr Hayston says that he has ben influenced rong in my case namely

Dollie Humphrey

COPY.

Cherokee Freedmen
D.C.

Muskogee, Indian Territory, March 24, 1904.

Dollie Umphurie,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with the Commission's decision dated March 5, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed for the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Encl. V-94

Registered.

Cherokee Freedmen
N. S.

Muskogee, Indian Territory, March 24, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1906, rejecting the application of Dellie Hagerie for the enrollment of herself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Encl. V-34

Commissioner in Charge.

Cherokee Freedman
R.S.

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application of Nellie Engburts for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated March 8, 1904, rejecting said application.

Respectfully,

T. B. Needles

Commissioner in Charge.

Encl. V-77

Through the

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, June 1, 1904.

D.C. 19726-1904.

Land.

20523-1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 8, 1904, transmitting for your consideration the application for enrollment as a Cherokee freedman, Dollie Umphries, Cherokee Freedman D. '.

March 5th, 1904, the Commission rejected the applicant.

From an examination of the evidence in the case it shows that said Dollie Umphries is about 57 years old, and was prior to the war of the rebellion, a slave owned by one John Harnage, who prior to the year 1856, was a citizen of the Cherokee Nation; that said John Harnage moved out of the Cherokee Nation in 1856 and into the State of Texas, and took the said applicant with him to the said State of Texas; that said John Harnage continued to reside in the State of Texas and was a citizen thereof, until the year 1881, when he returned to the Cherokee Nation, and was readmitted to citizen ship in said Nation; and that the applicant remained the slave of said John Harnage in Texas until freed by law.

The Commission was unable to identify said applicant on

the 1880 authenticated Cherokee Roll.

The Commission denied said applicant enrollment upon the grounds that the testimony did not establish the fact that said applicant, Dollie Umphries, was the slave of a Cherokee citizen at the commencement of the rebellion, and under the provision of Section twenty-one, of the act of Congress approved June 28, 1898, ordered that her application be denied.

For the reason assigned by said Commission it is recommended that their act in rejecting said applicant be sustained and that it be so ordered.

Very respectfully,

A.C. TONNER,

Acting Commissioner.

J.T.N.
W.

W.C.F.
J.P.

DEPARTMENT OF THE INTERIOR,

Washington, June 11, 1904.

D.C. 19726-1904.

I.T.D. 4456-1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application for the enrollment of Dollie Umphuris as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter June 1, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen
N.B.

Muskogee, Indian Territory, June 21, 1904.

W. V. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1904, rejecting the application for the enrollment of Dollie Mapharis as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 11, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D.A.

Muskogee, Indian Territory, June 22, 1904.

Dollie Mapharis,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 12, 1904.

Respectfully,

Chairman.

Cherokee
E.R. 304.

Muskogee, Indian Territory, July 17, 1906.

Dollie Humphrey,

Fort Gibson, Indian Territory.

Dear Madam:

Referring to your recent conversation with this office, you are advised that this office is in receipt, by reference of the Secretary of the Interior, of your letter dated "6-23-1906", asking to have your Cherokee Freedmen case reopened. Your letter was received by the Interior Department June 27, 1906, and was referred to this office for appropriate action on July 2, 1906. The records of this office show that your application for enrollment as a Cherokee Freedman under the name of Dollie Cephuris was denied by the Secretary of the Interior July 11, 1904.

The Act of Congress approved April 26, 1906, (Public No. 129), in part provides,

> "and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act;"

Your application for enrollment as a Cherokee Freedman having been finally denied prior to the passage of said Act and as your request for a rehearing was not received at this office

Dellie Humphrey----#3

until after the [illegible]ration of sixty days from said act it does not appear that this office has any authority to entertain the same.

Respectfully,

Commissioner.

JBM

Cherokee Freedmen D-8.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dollie Umphuris for enrollment as a Cherokee Freedman.

DECISION.

The record herein shows that on April 4, 1901, Dollie Umphuris appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a Cherokee freedman. Further proceedings were had in the matter of said application, on September 4 and 5, 1901, at Fort Gibson, Indian Territory.

The evidence shows that said Dollie Umphuris is about 57 years old and was, prior to the war of the rebellion, a slave owned by one John Harnage who, prior to the year 1856 was a citizen of the Cherokee Nation; that the said John Harnage moved out of the Cherokee Nation in 1856 to the State of Texas and took with him the applicant herein; that the said John Harnage continued to reside in the State of Texas and was a citizen thereof until the year 1861, when he returned to the Cherokee Nation and was readmitted to citizenship in said Nation; and that the applicant herein remained the slave of said John Harnage in Texas until freed by law.

It does not appear that the applicant is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that Dollie Umphuris was not the slave of a Cherokee citizen at the commencement of the rebellion, and that the application for her enrollment as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breedlove
Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

W E Harris
Commissioner.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of..... A. D. 1901.

Given under my hand this..... day.....A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of.....A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901,

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
SEP 4 1901
Secretary Indian Territory.

NOTICE!

IN THE MATTER OF The application of Dollie Umphries, for enrollment as a Cherokee Freedman:

Case No. F. D. 8

To Dollie Umphries, Wynnewood I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson Indian Territory, on the following dates, to-wit: September 4th A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 27th day of August, 1901.

AUG 27 1901

L. B. Bell

W. W. Hastings

J. T. Davenport

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Dollie Umphries for enrollment as a Cherokee Freedman.

No. F. D. 8

J. C. Clark of lawful age, being duly sworn on oath states that on the 28 day of Aug A. D., 1901, he registered to Dollie Umphries whose postoffice is Wynnewood Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Vinita Indian Territory; and that on the 4 day of Sept, 1901, he received the return card which is hereto attached, signed by the said Dollie Umphries, showing that he had received said notice.

J. C. Clark

Subscribed and sworn to before me on this the 4 day of Sept A. D. 1901.

M. M. Harlin
Notary Public.

(Seal)

REGISTRY RECEIPT.

Post Office at Vinita I.T.

Registered Letter / Parcel No. 162 Rec'd 8-29 1899

of J. C. Starr
W. Gibson I.T.

addressed to Dolly Humphries
Tyrmewood I.T.

Jos H Butler P. M.

B T. 108

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 4 1901

ACTING CHAIRMAN

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(4) Name of wife Dollie Vigneaux Age 54

Owners name John Sandge Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother Libby Dean Citizenship Colored

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Hall Stenographer Rothenberger E.G.

A8

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 11 1902

ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Dallie Unphuris,
Fort Gibson, Indian Territory
Cherokee P-D-S.
Register.

Charlee Fr. R. 385

CO... ...IVE CHICKASAW TRIBES
FILED
JUL 16 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 24, 1901.

In the matter of the application of Peter Ross for the enrollment of himself as a Cherokee Freedman, being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Peter Ross.
Q How old are you? A 54.
Q What is your post-office address? A Wimer.
Q What district do you live in? A Coweescoowee just now.
Q You apply to be enrolled as a Cherokee Freedman? A I did once.
Q Are you applying now here? A Yes sir.
Q Who do you want to enroll but yourself? A Nobody but myself.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A It was put on the Wallace roll.
Q Have you got any witnesses? A Yes sir, Frank Ross and Dave Martin.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A No sir.
Q Any children? A No sir.
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Lewis Ross.
Q Was he a Cherokee citizen? A Yes sir. (Produces papers)
Q By blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A To Iola Kansas.
Q When did you come back? A '65, it was '66.
Q Been living here ever since? A No sir.
Q Where have you been living? A I have been backwards and forth to Kansas.
Q Were you ever married? A Yes sir.
Q Where did you marry? A I married in Kansas.
Q You raised a family up there? A No sir, got no family, nothing but a wife.
Q Ever have any children? A No sir.
Q When was it you married in Kansas? A Married about 12 or 13 years ago I guess.
Q Well, how long have you lived in Kansas after your marriage? A I haven't lived there none at all hardly, I have been living in this country, among my people.
Q Did you bring your wife down here? A No sir.
Q Did you just marry a woman there and come back here? A Yes sir, she went stay here.
Q How long did you stay there with her? A I stayed with her there for about a year I guess or such a matter, and then I come home.
Q Then have you ever lived with her since? A Yes sir, I go up there and see her and work up there and come back down here, backwards and forth.
Q Is she living there now? A Yes sir, she is in Tennessee now.
Q Do you go to Tennessee to see her? A No sir, I don't.
Q Have you got any farm in the Cherokee Nation? A No sir, I have no farm.
Q Where is your home in the Cherokee Nation? A My home is just around among my people, all I can tell you.

BY MR. W. W. HASTINGS, Cherokee Rep've:

Q What is your wife's name? A Fanny.
Q What is your eldest child named? A I aint got no eldest child.
Q Polly and Lettie and Annie are not your children? A No sir, you not got.
Q By Com'r Needles: Your wife have no children? A No sir.
Q By Mr. Hastings: When did you say you married your wife? About 12 or 13 years ago.
Q What town in Kansas? A Married in Kansas City.

Q Where has she been living since then? A She has been living with her mother.
Q In what town? A Up about Osage City, Kansas.
Q When did she go to Tennessee? A She has been gone to Tennessee about two or three months I guess.
Q On a visit? A Yes sir, she has got folks there.
Q She went on a visit to see her folks? A Yes sir.
Q From what place? A Kansas City.
Q Did you just come down here to enroll? A I was down here long before the enrollment commenced.
Q When did you come down this last time? A I have been down here about two or three months I guess this last time.
Q Where did you come from here? A I come from Missouri here.
Q What was your town up there? A I was working around over there.
Q How far from Kansas City? A Over there at Joplin.
Q Who did you come to the Nation with the first after the war? A I come to the nation with Frank Ross and uncle Billy Loody, Ben Foreman, and Ellis Johnson and Sandy Ellis.
Q Where did you come to? A Down on Pryor Creek.
Q How long did you stay there? A I didn't tarry there very long, because that was kinder ticklish times, and my being a soldier in the army I was afraid they would kill me, and I went back up in Kansas.
Q How long did you stay down there? A I stayed down there I guess about a month or a little more, knocking around down there.
Q Were these people living down there when you were there or did you go with them? A I went down with them.
Q What time in the year was it? A In the fall, I guess.
Q Before Christmas? A I disremember whether it was before or after Christmas, my recollection is not very good, my head has been jegged by a cannon, and knocked down besides.
Q That is the year '66? A Yes sir.
Q How long before Christmas was it? A I don't know how long it was before Christmas.
Q Month or two you think? A I don't know.
Q You went from there back to Kansas? A Yes sir, I was afraid to stay down here then.
Q And you stayed up there then until you married? A Yes sir, I went back and married.
Q I say you stayed up there from that time until you married?
A Stayed right in Kansas?
Q Yes? A I came back down here again before I married.
Q On a visit? A Yes sir, visiting my people, and then I come down with Mr. Goforth in a wagon.
Q You only stayed a short time? A I just stayed a short time, I was afraid to stay.
Q You never have stayed here any length of time since the war? A I stayed here right considerable.
Q Visiting among your folks? A I have got a good many kinfolks and I stayed around from place to place.

BY COM'R MARLES:

Q Were you a soldier? A Yes sir.
Q What army? A I was in the Federal army.
Q When were you discharged? A In '65.
Q Where? A I was discharged at Leavenworth, Kansas.
Q How long did you stay there after you were discharged before you came down to the Cherokee nation? A I come down here in '65, '66 I mean, after I was discharged.
Q Well the fact is since that you never have lived down here have you, Pete? A Just lived right here as a steady home, always there?
Q Yes? A Not altogether I haven't.

Q. Your steady home has been in Kansas? A. Down here has been more of my home than in Kansas, just back and forth.
Q. You voted in Kansas? A. I don't vote at all.
Q Didn't vote the straight Republican ticket up there? A. I didn't vote neither way.
Q. Never voted in the Cherokee Nation? A. Yes sir.
Q. Why aint your name on the roll of 1880? A. I don't know, because it aint on there, that's all I know.
Q. Did you draw your Kern-Clifton money? A. No sir.
Q Did you ever draw any money? A. None at all.
Q. Did you ever draw the Wallace money? A. None at all.
Q. Never even tried to draw did you? A. I tried.
Q. And they wouldn't let you? A. Wouldn't give me none after I come for it.
Q. Kind of stingy with it wasn't they? A. Yes sir, my name was there all right.
Q. Your name was on the roll? A. Yes sir, on the Wallace roll, and they paid some money out right before my face, but I didn't get none.

BY MR. HASTINGS:

Q Where did you first see Dave Martin after the war? A. I disremember now, I don't know what place it was.
Q Was it in Kansas? A. It was in the Cherokee Nation.
Q. How long after the war? A. About '66 or '67; I don't know which, it was I saw him.
Q. You don't remember where? A. No sir, I can't recollect anything very good, my head has been jogged with a cannon.
Q. By Com'r Needles: Cannon ball didn't hit your head did it? A. No sir, might as well though; I was struck over the head besides.

DAVID MARTIN, being sworn and examined by Com'r Needles, testified as follows:

Q. What is your name? A. David Martin.
Q. What is your age? A. 64.
Q. What is your post-office? A. Coffeyville.
Q. You know Peter Ross, the applicant? A. Yes sir.
Q How long have you known him? A. Ever since he was a little boy.
Q. Was he a slave? A. Yes sir.
Q. Who did he belong to? A. Lewis Ross.
Q. Lewis Ross a Cherokee citizen? A. Yes sir.
Q. You know whether Peter went out of the Cherokee Nation during the war? A. He did.
Q. Where did he go? A. Kansas.
Q. When did he come back? A. I don't know sir.
Q. When did you first see him after the war? A. I think it was in '73.
Q. Where was that? A. Down here on Grand river.
Q. You know where he has been living ever since the war? A. No sir, I do not. I have seen him several times.

(Note: Applicant's other witness is not on the ground.)

BY MR. HASTINGS:

Q. Did you make application to the Kern-Clifton Commission? A. No sir.
Q. You didn't make any application at all? A. No sir, I didn't exactly understand it nohow, else I would.

Com'r Needles: Peter Ross applies for the enrollment of himself; he cannot be identified upon the authenticated rolls of 1880 or the census roll of 1896; he makes no proof as to citizenship other than his own; he will now be listed for enrollment as a Cherokee freedman citizen on a doubtful card; he will be notified of the action of the Commission when same is arrived at.

Exhibit Nine 4

M.D.Green, being first duly sworn, states that on [illegible] to the Commission to the [illegible] and [illegible] he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible]

Notary Public

COMMISSION OF INDIAN AFFAIRS
OCT 11 1906
RECEIVED
DENVER

Q. You have known him since he was living with his family? A. Well, he didn't have any family, he kept a small ranch there.
Q. Do you know where he was married? A. He has been married probably 12 or 14 years, and his wife is living with him now.
Q. Really, in '85 when you first knew him he was just a boy? A. Yes, sir, he was just a boy.
Q. Well, if he came here here in 1886 you would know it? A. No, sir; I never allowed him away from there.
Q. Well, was he away living in Idaho since he married there? A. Yes, sir, he owns property there.
Q. Do you know whether he ever voted up there? A. Why, I do not, sir, no, sir.
Q. What did he say? A. He says he votes there and I suppose he does.
Q. He says he votes there? A. Yes, sir.

W. C. Robinson, being duly sworn by Commissioner Kapellen, testified as follows on part of the United States:

MR. HARRISON: What is your name? A. W. C. Robinson.
Q. What is your post office? A. Iola, Kansas.
Q. What is your age, Mr. Robinson? A. I am 57.
Q. What is your occupation? A. Wagon maker, wood worker.
Q. Do you know Peter Pace, a colored man? A. Yes, sir, I do.
Q. How long have you known him? A. I got acquainted with him very soon after I went there in '70.
Q. Have you known him since that time? A. Yes, sir, almost I guess continuously.
Q. Where does he live now? A. He lives in Little Rock, and we have not just right on his going to main part of town, that is, he does not come, it is by my house on my shop.
Q. Do you see him pass there frequently? A. Yes. It seems to me that it may have been many weeks that I haven't seen him pass.

Supl.C.F.-D.#231.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 7th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Peter Ross as a Cherokee Freedman, introduced on part of Cherokee Nation:

APPEARANCES:
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

Satisfactory proof of service made and applicant summoned after being three times called, no anyone for him.

R. J. MORRIS, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. HASTINGS: What is your name? A R. J. Morris.
Q What is your age? A 56.
Q What is your post office? A Iola, Kansas.
Q How long has that been your post office? A well for 44 or 45 years.
Q You mean Iola, Kansas? A Yes, sir.
Q Did you know a colored man up there by the name of Peter Ross?
A I do.
Q When did you get acquainted with him? A Well, along about '63.
Q Is he married? A Yes, sir.
Q Got a wife? A Yes, sir.
Q Got any children? A No children as I know of.
Q Well, where has Peter Ross lived since you got acquainted with him in '63? A He has lived in Iola.
Q Where does he live now? A He lives in Iola.
Q Have you seen him frequently from '63 up until the present time?
A Yes, sir.
Q Done any work for you? A No, he has not ever done any work for me.
Q You know whether he is known as a Cherokee darkey or not?
A Well, he claims to come from this country and he came up there with the Cherokeedarkies.
Q During the war? A During the war.
Q How far have you lived from him? A Oh, I probably live five or six blocks.
Q Do you know him well? A Perfectly well, well as any man in town almost.
Q Now, how frequently did you see him? A Oh, probably every week, may run two or three weeks and then I would see him four or five times every week.
Q Do you know his wife's name? A Her name was Duncan.
Q That is her maiden name? A Yes, sir.
Q Did you know Peter's father and mother? A No, sir.
Q Do you know any other Peter Ross that claimed to come from this country up there to Iola? A No, sir.

COM'R NEEDLES: Do you know where Peter Ross was in '66?
A Well, I could not swear positively but I think he was right there in Iola. I never missed him.
Q Well, he first went up there to your knowledge in 1863? A Yes, sir.
Q How large a place is Iola? A It is now about 3,000; it was a small town though at that time.
Q It was small town at that time? A At the time he came there.
Q He claims that he came back to the Cherokee Nation here in 1866, married up there, and that he has been going backwards and forwards since that time? A Well, I nevermissed him; he probably made a few trips down here, but then I never missed him came from there to make his residence.

Q You have known this [illegible] living with a [illegible]? A Well, he didn't have any family, he was a small boy then.
Q Do you know where [illegible]? A [illegible] probably is 40 or 14 years, this [illegible] is living down now.
Q Well, in 1893 when he went [illegible] he was just a boy? A Yes, sir; he was just a boy.
Q Well, if he came back here in 1893 you don't know it?
A No, sir; I never [illegible] him [illegible] there.
Q Well, has he been living in [illegible] since he married there?
A Yes, sir; he owns property [illegible].
Q Do you know whether he ever voted up there? A [illegible], I do not; only what he said.
Q What did he say? A He says he votes there and I suppose he does.
Q He says he votes there? A Yes, sir.

M. C. ROBINSON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. HASTINGS: What is your name? A M. C. Robinson.
What is your post office? A Iola, Kansas.
Q What is your age, Mr. Robinson? A I am 59.
Q What is your occupation? A Wagon maker, wood worker.
Q Do you know Peter Ross, a colored man? A Yes, sir, I do.
Q How long have you known him? A I got acquainted with him a very soon after I went there in 190[illegible].
Q Has you known him since that time? A Yes, sir, almost I guess continuously.
Q Where does he live now? A He lives just a little north and west of me, and just right on his going to main part of town, that is the most direct road, it is by my house and my shop.
Q Do you see him pass there frequently? A Yes. It seems to me that it has not been many weeks that I haven't seen him pass.
Q Do you know whether he voted up there or not? A Yes, sir.
Q Does he live in your ward? A Yes, sir. I have been on the Election Board when he voted within three, two or three years, it has not been a great while.
Q Do you know where this Peter Ross claims to come from what State or Territory? A He claims to come from this Territory, here Sherwood Nation. He is quite a fortune teller and my young folks he usually stops with me.

COM'R NEEDLES: What business has he been in? A He was working around, he does a great deal around, cleaning carpets and putting them down.
Q He is very prominent man of that kind? A Yes, sir.
Q Everybody [illegible] him? A Yes, sir.
Q He lives there now? A Yes, sir.

---oo0Ooo---

J. E. Rasson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. E. Rasson

Subscribed and sworn to before me this October 10th, 1904.

Commissioner.

6 8831

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... .....
day of.....A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ....., 190.....

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 5 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Peter Ross for enrollment as Cherokee Freedmen:

Case No. F. D. 831

To Peter Ross Iola Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 30 1901

L B Bell

W. W. Hastings

J S Davenport

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Peter Ross for enrollment as a Cherokee Freedman.

No. F. D. 831/99

Henry Pack of lawful age, being duly sworn on oath states that on the 1st day of October A. D., 1901, he registered to Peter Ross whose postoffice is Tahlequah, Ind. Ter., a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Vinita Indian Territory; and that on the 5th day of October, 1901, he received the return card which is hereto attached, signed by the said Peter Ross, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 8th day of Oct A. D. 1901.

J. C. Starr
Notary Public.

P.R.

Cherokee Freedman D-881.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peter Ross as a Cherokee Freedman.

DECISION.

It appears from the record herein that Peter Ross appeared before the Commission at Nowata, Indian Territory, on June 24, 1901, and made application for his enrollment as a Cherokee freedman. Further proceedings were had in this matter at Vinita, Indian Territory, on October 7, 1901.

The evidence in this case shows that the applicant herein was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It does not appear that the name of the applicant is found on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Peter Ross as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 5 1904

Muskogee, Indian Territory, September 12, 190[illegible]

Honorable Charles F. Scott,

Iola, Kansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 6, relative to the citizenship status in the Cherokee Nation of one Peter Ross. You state that the widow of said Peter Ross is of the opinion that he is properly enrolled.

In reply you are advised the records of this office show that application for enrollment as a Cherokee freedman was made by one Peter Ross, aged fifty-four in 1901, said to have been a slave of Lewis Ross a Cherokee citizen; that said application was refused by the Secretary of the Interior on June 9, 1904; and the records of this office fail to show that any application for a review or rehearing in said case has been filed with this office.

You also ask what proceeding, if any is now open, the widow should take to get on the rolls.

Cherokee Freedman
D 891

Muskogee, Indian Territory, March 24, 1904.

Peter Rose,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with the Commission's decision dated March 8, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. V-27

Registered.

COPY.

Cherokee Freedman
D 831

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Peter Ross for the enrollment of himself as a Cherokee Freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. V-28

COPY.

Cherokee Freedman
D 831

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Peter Ross for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

T. B. Needles

Commissioner in Charge.

Encl. V-29

Through the

Commissioner of Indian Affairs.

J.P.

DEPARTMENT OF THE INTERIOR,

Washington, June 9,1904.

D. C. 19425-1904.

I.T.D. 4634-1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of Peter Ross for the enrollment of himself as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter June 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR

D.C. 19425-1904. OFFICE OF INDIAN AFFAIRS,

Land. Washington, June 6, 1904.

20526-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 24, 1904, transmitting the record of the application of Peter Ross for enrollment as a Cherokee freedman.

March 5, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion he left the Cherokee Nation and did not return and establish a residence therein on or before February 11, 1867, nor since to the date of his application but was a citizen, property owner and voter in the State of Kansas.

In view of the record, the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMM

C

Cherokee Nation
Muskogee

Muskogee, Indian Territory, July 5, 1904.

Rachel Graves,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether you returned to the Cherokee Nation after the war within the time specified in the treaty of 1866.

You are, therefore, hereby directed to appear before the Commissioner in his office in Muskogee, Indian Territory, at 9 o'clock A.M., on Wednesday July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

Cherokee Freedmen
D-811.

Muskogee, Indian Territory, July 6, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Rachel Graves, for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to whether or not the said Rachel Graves was a slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether she returned to the Cherokee Nation after the war within the time provided in the treaty of 1866.

The applicant has, therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A. M. on Wednesday July 27, 1904 and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 321

Muskogee, Indian Territory, June 21, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Peter Rose as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 9, 1904.

Respectfully,

Tackman.

Cherokee Freedmen
D 921

Muskogee, Indian Territory, June 21, 1904.

[illegible] Ross,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 9, 1904.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 14, 1906

Charles F. Scott,

Iola, Kansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 6, relative to the citizenship status in the Cherokee Nation of one Peter Ross. You state that the widow of said Peter Ross is of the opinion that he is properly enrolled.

In reply you are advised the records of this office show that application for enrollment as a Cherokee freedman was made by one Peter Ross, aged fifty-four in 1901, said to have been a slave of Lewis Ross a Cherokee citizen; that said application was refused by the Secretary of the Interior on June 2, 1904; and the records of this office fail to show that any application for a review or rehearing in said case has been filed with this office.

You also ask what proceeding, if any, is now open, the widow should take to get on the rolls.

Chas. F. Scott-2

You are advised that the Act of Congress approved April 26, 1906 (Public No. 129), in part provides:

> "....and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered, except as to decisions made prior to the passage of this Act , in which cases such motion shall be made within sixty days after the passage of this Act."

It does not therefore, appear that under the above provision of law this office has any authority to further consider this case.

Respectfully,

L M B

Commissioner

Cherokee Freedman
R 385

Muskogee, Indian Territory, April 4, 1907

Charley Bowland,

Braggs, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of March 15, 1907, relative to the right to enrollment as Cherokee freedmen of yourself and your children.

In reply you are advised the records of this office show that on May 2, 1905, the Commission to the Five Civilized Tribes rendered its decision denying the application for the enrollment of yourself and children as Cherokee freedmen, and that on August 7, 1905, said decision was affirmed by the Secretary of the Interior. The action of the Secretary is final in citizenship cases.

The letter from the Cherokee Land Office addressed to you, is returned herewith.

Respectfully,

Encl. B-71

Acting Commissioner

(B) 30831

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 24 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 24 1901

Post Office Wagoner I. T.

District Coo

1. Name Peter Ross Age 54

Owner's name Lewis Ross Citizenship Cherokee

Year — Page — No. — District —

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother

Doubtful

Names of ~~Children~~

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Stenographer M. D. Green

FILED
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Peter Ross,
Wimer, I. T.
Cherokee-F-D-831.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

10019

REGISTERED
JUL 8 1904
MUSKOGEE, IND. TER.

PENALTY FOR PRIVATE USE

JUL 8 - 1904

Rachel Gravely
[illegible] Indian Territory.

AUG 2 - 1904

OCT 18 1907
LIFED
COMMISSION TO THE HIGHLANDS
DELIVERIES OF THE

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., July 2, 1901.

In the matter of the application of George Tucker for enrollment as a Cherokee Freedman.

Appearances:
L. T. Brown, for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

George Tucker, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A George Tucker.
Q What is your postoffice address? A Nowata.
Q How old are you? A I don't know.
Q Have any idea: you know about how old you are? A No, I never did have any record of it.
Q Are you 70? A I may be.
Q Might be 100? A Yes, sir, might be, I can't tell.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one else.
Q Is your name on any of the rolls of the Cherokee Nation? A Kern and Clifton, I think.
Q Got any witnesses here? A Yes, sir.
Q Who are they? A Sam Tucker and Cornelius Bacon.
By L. T. Brown: About how old are you? A I can't tell my age, never did know my age.
Q About how old do you think you are? A You can guess as well as I can.
Commissioner: How many children have you got? A Many one.
Q Ever been married? A Yes, sir.
Q How long have you been married? A About 18 years.
Q How old were you when you married? A I don't know.
Q Were you an old man or a young man? A I was supposed to be a young man, tolerably.
L. T. Brown: Were you a slave at the beginning of the civil war, in the Cherokee Nation? A I was told I was by my mother, I don't know it.
Q What was your owner's name? A They told me his name was Alex McPherson.
Q Do you remember the war? A I can't say that I do.
Q Can you say you don't? A No, not exactly.
Q What did you say was your owner's name? A McPherson as what I understood.
Q Was McPherson a citizen of the Cherokee Nation by blood? A I was always told he was.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A I returned with my uncle, he brought me back.
Q Who was your uncle? A Jess Brown.
Q In what year was that? A Why he said he came back home in '65, I don't know, these people know better than I do.
Q Was Jess Brown the one who lived up here on Goose Neck Bend? A Yes, sir.
Q Jess Brown's name upon the authenticated roll of 1880? A Yes, sir.
Q Where have you lived since the return of Jess Brown? A I have lived around the country.
Q In the Cherokee Nation? A Yes, sir.
Q All of your life since then? A No, sir.
Q Well, tell where you have lived? A I have lived in the states some.
Mr. Hastings: Where were you when the war came up, how old were you, how old? A Why: were you born? A I guess not, I don't remember the war, I wasn't old enough to be

remember the war, I wasn't old enough to know it.
Q You don't remember how big you were when the war quit? A No, sir.
Q You don't know who you came back here with of your own knowledge?
A Yes, sir.
Q You know that, do you? A Yes, sir.
Q From what direction did you come, what point? A I came from the north.
Q You came with white peoples or colored people? A Supposed to be white.
Q Well, who were they? A I don't remember but my uncle.
Q What was his name? A Jess Brown.
Q He is dead? A Yes, sir.
Q Now where did you first locate, where did you first come to? A We stopped on a Creek that they called, I don't say whether it was a Creek or not, but a settlement now they call Pryor Creek, somewhere down there.
Q Who was living down there? A I can't tell you, I was too small.
Q You don't know anything about it; did you have a house? A We was in some kind of a house, yes.
Q You don't remember what kind of a house? A No, sir.
Q Was your mother with you? A No, sir.
Q Did you have any of your other relatives there? A Yes, sir.
Q You were not alone? A As far as I remember I was.
Q How long did you stay with Jess Brown? A I stayed with him till I got about grown up, big enough to herd cattle, before I left him.
Q Then where did you go? A Went to Kansas.
Q What place in Kansas? A About Fort Scott.
Q Now about how old were you when you went there? A I guess I was about 13 or 15 years old.
Q Where was your mother at that time? A I don't know just where she was.
Q Didn't you see her? A No, sir.
Q Didn't you see her in Fort Scott? A No, sir.
Q Have any brothers in Fort Scott? A No, sir.
Q Where do you live now? A I live down here on the river, this side of the river, West side of the river.
Q Of Verdigris River? A Yes, sir.
Q How long have you been living there? A Between 14 and 15 years.
Q Got a wife? A Yes, sir.
Q Where were you and she married? A In the States.
Q In what part? A Fort Scott, I don't know what the county is.
Q You got any children by her? A No, sir.
Q Never had any? A No, sir.
Q About when were you married? A I believe you said 12 or 20 years ago? A 12 or 20 years ago, somewhere along there.
Q And you and she moved up here 12 or 15 years ago? A Yes, sir.
Q When was the first time you ever saw Sam Webber? A Been seeing him since I can remember.
Q Did you see him before the war? A No, sir, I can't remember that.
Q Where did you see him after the war first? A According to my remembrance, I saw him here at my uncle's.
Q On Pryor Creek? A Yes, sir.
Q That you remember? A Yes, sir.
Q How long had you been on Pryor Creek before you saw him? A I can't tell you.
Q As much as 4 years? A I can't tell you.
Q You are not going to give any dates, are you? A I can't do it, I don't know.
Q Well, you said.

Q Well, you stayed down to your uncle's a short time and then you went back to Fort Scott? A Yes, sir.
Q And you married up there? A Yes, sir.
Q And you moved down here about 15 years ago? A Yes, sir.
Q And been living here since that time? A Yes, sir.
Q Living here now? A Yes, sir.
Q You don't know whether you are ten years old or a hundred?
A No, sir, I don't really.
Commissioner: You been living here 15 years all the time in the Territory? A Yes, sir.
Q What doing? A Farming a little, first one thing and another.
Q Your wife a state woman? A Yes, sir.
Q She your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
Q You married her in the State of Kansas? A Yes, sir.
Q You say you have been living here the last 15 years? A Yes, sir.
Q How do you know it is, , how can you prove that? A Well, I can prove that by my work, the time I have farmed at different places, pretty well, that is the way I know that.
By L. T. Brown: Did you draw what is known as the strip money?
A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 183, No. 4512, district not given.

Q Have you ever voted in the Cherokee Nation, Mr. Tucker?
A Yes, sir.
Q You own a farm upon the public domain of the Cherokee Nation?
A Yes, sir.
Commissioner: Voted in Kansas, didn't you? A No, sir.
Q Never did? A No, sir.
Q Wasn't you old enough to vote when you were up there? A I don't know, I never tried to, never went about the polls up there; never voted but once or twice up here.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q Your name is Sam Webber? A Yes, sir.
Q What is your age? A About 38.
Q What is your postoffice? A Nowata.
By L. T. Brown: Do you know the applicant, George Tucker? A Yes, sir.
Q How long have you known him? A Known him since he was a little boy.
Q Was he a slave at the beginning of the Civil war? A Yes, sir.
Q To whom did he belong? A A man by the name of McPherson.
Q McPherson a citizen of the Cherokee Nation by blood? A Yes, sir
Q In what district did he live at that time? A I can't tell you the district, they used to come to our house, I don't know just whereabouts they did live, I never was right to the place.
Q Was George Tucker taken out of the country during the war?
A Yes, sir.
Q When did you see him the first time after the close of the war?
A I saw him start to this country with his uncle, Jess Brown, from Kansas, and when I came down here I found him with him.
Q What year was that? A It was in the spring of '86 when they came from Kansas.
Q When was it you saw him in the Cherokee Nation? A I saw him along that fall.

Q Fall of '66? A Yes, sir.
Mr. Hastings: Where did Jess Brown start from? A Started from Lyon County, Kansas.
Q He lived up there during the war? A Jess Brown, he was a soldier and came there for his sister and came on down here.
Q And he came down here in the spring of '66? A Yes, sir.
Q How many more of these boys came with him? A Just this one that time when he moved.
Q You didn't testify for this boy before the Kern-Clifton Commission? A No, sir, they never called me in.
Q What place did you see him then down here? A Right here this side of the river on the old Brown place.
Q Guskey Brown wasn't there at that time? A Guskey came up there after that and his father lived there, Guskey was up there when this boy was down there, he came up afterwards but this boy was there when he came up, he was herding cattle for Mr. Couch, this boy was.
Q Which Couch? A Sam Couch.
Q What time was he hearding cattle for him, in what year? A I can't tell you the year he brought his cattle up here, but it was after he was here a while he brought a bunch of cattle up here and this boy herded them.
Q How old was this man at the time the war closed? A He was a great big boy, big enough to run horses and herd cattle, I can't tell you his age.
Q About how old was he before the war came up, when he used to come to your house? A He was a small boy then with his mother?
Q What was his mother's name? A Betsy.
Q Were you ever at McPherson's? A No, sir.
Q Don't know where he lived? A No, sir, can't tell you.
Q Did you ever know McPherson personally? A Yes, sir, he used always stop by the old Double Springs going to Tahlequah.
Q Know what district he lived in? A No, sir.
Q Know what section of the country? A No, sir, just came there and always stopped going to Tahlequah, my mother told me this boy was my second cousin.
Q This man has been living around here ever since? A I have seen him off and on ever since, occasionally I meet up with him.
Q He has maintained a residence around in the country ever since '66? A He never lived away from us until a few years ago after he married.
Q I saw, you have seen him living around here ever since? A I have seen him living about.
Q Don't you know he went back to Kansas a few years after the war?
A I don't know that he did.
Q Don't you know he married in Kansas? A I don't know where he married.
Q Don't you know the first five years after he married he lived in Kansas? A I don't know, I never was up there.

George Tucker, recalled, testified as follows:
Mr. Hastings: When did you first know Cornelius Bacon? A Why I first saw him when I was living down on the river as what is known as the old John Brown place.
Q How long after the war? A I can't tell.
Q How long had you been living on the Brown place? A About two years.
Q That is when you first saw him? A Yes, sir.
By L. T. Brown: Do you know when he first saw you? A I guess that is the first time he saw me.
Q Do you know? A Yes, sir.

Cornelius Bacon, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: State your name? A Cornelius Bacon.

Q Your age? A 24.

Q Your postoffice address? A Novata.

Q Do you know the applicant, George Tucker? A Yes, sir.

Q Was he a slave in the Cherokee Nation at the beginning of the civil war? A I don't know.

Q When did you see him the first time after the close of the civil war? A In '68.

Q Where was that? A Out here about four miles on the Verdigris River.

Q With whom was he living? A With Jeff Brown.

Q Where does he live now? A He lives up there just this side of where I first seed him, about a mile, on the prairie.

Mr. Hastings: How long did you know him down there? A I came there in '68 and I knowed him right along until the fall of '69.

Q Then where did he go? A He went, I went went out in Kansas.

Q You haven't known him since that? A Yes, sir, I knowed him ever since I knowed him up there till '69 till I went out west.

Q Where was the next time you saw him after '69? A About '70 or '70 I think.

Q He was living around there then? A Yes, sir.

Q Have you known him since that time? A Yes, sir, off and on.

Q Every year? A About.

Q Has he lived around there every year? A Yes, sir, around every year.

Q Up to the present time? A Yes, sir, up to the present time.

Q Don't you know he went back to Kansas? A No, I don't know it.

Q Don't you know he went back there a very few years after the war?

A I know he went off, when I came back, along about '71 or '2. I didn't see him for a little while, I guess he was just like all the balance of the boys, out in the state working.

Q Why didn't you tell that? A You didn't ask me, you asked me if he had been living here all the time.

Q Don't you know he married in Kansas? A No, sir.

Q Don't you know he lived there five years after he married?

A No, sir, I don't know that.

By L. T. Brown: Don't know where he married? A No, sir, don't know a thing about where he married.

George Tucker, recalled, testified as follows:

Mr. Hastings: What is your mother's present name; was she ever afterwards married, go by anything else but Tucker? A Yes, sir.

Q What was that? A Reed.

Q When did your mother come down here: did she come with you and Brown? A No, sir.

Q You were so small you don't remember when you and Brown came?

A No, sir, I don't know.

Q And your mother was living in Kansas at that time? A I suppose so.

Q She came down here when you and your wife came, didn't she?

A No, sir.

Q What time? A She has been here a time or two.

Q Wasn't she up to Kansas when you married? A She wasn't where I was if she was.

Q Do you know whether she was in Kansas or not? A No, I don't.

Q When was the first time you ever saw her down here in the Cherokee Nation? A Well sir, the first time I saw her was living on the place where Mr. Gooch there lives right now.

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George Tucker - 6.

Q About how long ago? A That has been about 23 years ago, 23 years ago.
Q What was her name at that time? A Betsy.
Q I want to know the other part? A Reed.

Commissioner: George Tucker applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation except the Kern-Clifton roll, and he is fully identified upon that roll, and he will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified at his postoffice address.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
PERMISSION TO INSPECT OR CHANGE THIS RECORD
OCT 11 1901

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

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Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

([illegible])

Department of the Interior,
Commission to the Five Civilized Tribes
Vinita, I. T. October 5th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of George Tucker, C. F. D. 1013.

Appearances:
W. W. Hastings for the Cherokee Nation
Mellette & Smith for the applicants.

(Witnesses placed under the rule)

D. W. OSBORN being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Hastings)
Q What is your name? A D. W. Osborn.
Q What is your age? A 49.
Q Where do you live? A Near Mound City, Linn County Kansas.
Q How long have you lived near Mound City? A It has been my home since 1854.
Q Do you know a colored man by the name of George Tucker? A Yes sir.
Q Do you know his mother? A Yes sir.
Q What was her name? A Betsy Reed.
Q How long have you known him or his mother? A I expect I have known him——well I'd don't know——ever since he was a small boy.
Q Were you boys together? A Yes sir.
Q Where did you first know him? A There in that neighborhood.
Q What time did you know him with reference to the Civil War? A Right about during the war and right afterwards, shortly after the war anyway.
Q How long did you continue to know him ? A Ever since then.
Q Up to about what time? A That I know himaround there?
Q Yes? A Well I can't say exactly, George lived there for a good many years and he went to Garnett Kansas then.
Q How far is that from Mound City? A 30 miles.
Q Did you ever see him at Garnett? A Yes sir, once.
Q This same George Tucker? A Yes sir, that is the man there(pointing to a colored man sitting beside Mr. Mellette)
Q Is he the same man you knew in Mound City? A Yes sir, we was boys together.
Q How came you to know him at Garnett? A I was sent over there on business and was it his house.
Q On what business were you sent? A As Deputy Sheriff to serve a subpoena on his wife.
Q Did you know his wife? A Yes sir.
Q What is her name? A Mary.
Q Do you know how long they had been away from Mound City then ? A No sir not exactly.
Q What is your best judgment as to when they left Mound City Kansas? A I can't tell exactly.
Q Give us some sort of judgment as to when they left Mound City, about how long after the war did George live there? A Until he was a grown man.
Q Did he marry there? A Yes sir, I think he did, his wife used to live there befor e he married her.
Q Did you know him all this time? A Yes sir.
Q You used to play together as boys did you? A Yes sir.
Q Did he go to school there? A I think he did there in Mound City, I lived in the country.
Q When did you first learn to know him? A Well I can't say it was when they first came there into that country; when they came there George was a small boy, and I cant say when it was as to dates.
Q Did he live there until he was grown? A Yes sir until he was a man.
Q You say you went over to Garnett to serve a subpoena on his wife? A Yes sir.

Q When was that? A Well sir I dont know what the date was, I know it was somewhere between '80 and '90 to the best of my recollection.
Q Do you know what trial it was in? A Yes sir I know, I don't remember the woman's name now, some colored woman there in Mound City, I was not acquainted with her.
Q Did George have any brothers? A Yes sir, one named John .
Q Did you know any of the other members of the family? A Yes sir some of the girls.
Q Do you know their names? A I dont know if they went by the name of Tucker or Reed, one was named Sarah, one named Aggie and there was one they called Bennie.
Q Which left that community first, George or his mother? A George did.
Q His mother left afterwards? A Yes sir.
Q Which left first George or John? A I think George went to Garnett before John left there.
Q Now after you learned to know him and before he moved to Garnett, did you miss George away from there any length of time? A No sir I dont remember of it.

(By Mellette)

Q You say you knew this boy's father? A I guess it was his step father, Joe Reed, he lived with him.
Q When did you know him? A Just about the same time I knew George.
Q When was that time? A I can't fix it.
Q You cant fix it? A No sir not exactly in my mind.
Q Did you know Jess Brown? A Yes sir I seen him, was not personally acquainted with him; he was a relation to George I understand.
Q You dont know where this man was, this applicant, in the year 1866? A I cant swear positively.
Q You dont know whether he was in Kansas or not? A No sir.
Q It was about 15 years ago that he came down here and he hasn't been back to Kansas since? A I dont know when he did come here.
Q Is it not a fact that he as a boy came to this country and staid a while and then went to Kansas and lived there a short time and then came back here? A I cant say as to that, I have known George as I said , ever since he and I were boys, we played together—he may have been here, I don't know as to that.

(By Hastings)

Q You never missed him from there? A No sir not until he went to Garnett.

O. P. WATSON being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Hastings)

Q What is your name? A O. P. Watson.
Q What is your post office address Mr. Watson? A Mound City Kansas.
Q What is your age? A 60.
Q Watson, do you know this colored applicant here, sitting there(pointing to a colored man sitting beside Mr. Mellette) A Yes sir
Q When did you first know him? A I think somewhere in the '80's soon after the war.
Q Did you know his mother? A Yes sir.
Q What was her name? A Betsy Reed.
Q Where did you first know them? A Mound City.
Q How long did you know them there? A Until '82.
Q Did he have any brothers or sisters? A Yes sir.
Q Do you remember their names? A One was named George.
Q This one is George ? A I mean John, and there were two girls and there were two or three boys there, half brothers, they went by the name of Reed.
Q Do you know if George, here, was married there or not? A Yes sir.
Q During the time that you knew them, directly after the war until he left, did you miss him any considerable length of time? A No sir only perhaps a year along in '80 or '82, they went to Garnett then.
Q I mean from the time you first knew them until they left Mound City? A I know them until '82 there.

Q Did you see them frequently during that time? A Yes sir.
(By Mellette)
Q When did you first see this applicant? A I cant tell exactly, along in an early date, in the '60's
Q Somewhere in the '60's or '70's ? A Some where in the '60's.
Q You don't pretend to fix the year? A No sir.
Q You don't want to be understood as swearing positively that it was before 1870 that they came there? A No sir, I think it was before but I wouldn't be positive.
Q You can't say where George Tucker was in '66? A No sir.
Q On in '67 either? A No sir not positively.
(By Hastings)
Q What is your best judgment? A That they lived in Mound City since they were small .
(By Mellette)
Q How old are you? A 69.
Q When were you first called upon to recollect anything of these matters which occurred 35 years ago? A Some two or three weeks ago.
Q There had been nothing up to that time that impressed upon your mind anything about these men particularly? A Yes sir, I done business with him and sold him goods.
Q Do you remember him better for having sold good to a than you would any other colored man you sold good to? A No sir, but then I know of selling him goods on a certain date.
Q You dont locate any particular dates in connection with these men do you? A Yes sir I have a date that I sold him goods in '82.
Q In '82? A Yes sir.
Q Not in '66? A No sir.
Q How old was he when you first saw him? A Good chunck of a boy.
Q Now, that chunck of a boy you know that might mean one thing and it might mean another according to opinion? A Yes sir, but he was a good sized boy.
(By Hastings)
Q Have you talked with this applicant to-day? A Yes sir.
Q Did he make any statement to you as to when he came here? A He said he came down here in '80.

ROBERT FLEMMING being first duly sworn, testified as follows before Com'r T. B. Needles, on the part of the Nation:
(By Hastings)
Q What is your name? A Robert Flemming.
Q What is your age? A 50.
Q What is your post office address? A Mound City,Kansas
Q How lonf have you lived in or about Mound City Kansas? A 43 years
Q Do you know George Tucker, the applicant? A Yes sir.
Q Do you know this man there? (Pointing to a colored man sitting beside Mr. Mellette) A Yes sir.
Q When did you first know him? A Long time ago when he was a little boy, I cant tell exactly how many years.
Q What time, with reference to the war Mr. Flemming? A Well it must have been---he must have come there---came there with the Brownes and Turns and those folks in '82 or '3, if he was born then.
Q Do you know his mother? A Yes sir.
Q What was her name? A I know her as Betsy Reed.
Q How long did you continue to know them? A I have known them all the time since the war.
Q Did you miss George from there any during that time? A He would be gone off and on part of the time, I dont know how long though.
Q Do you know where he married? A Mound City.
Q Did his mother leave there? A Yes sir.
Q When did she leave there? A 10 or 15 years ago.
Q Did he have any brothers? A Yes sir.
Q Do you know their names? A I know John, I dont know the others.
Q Do you know when John left there? A No sir I cant say
Q Do you think it was a short time or a good while after the war? A A good while after, I know him like I did George,see him and miss him.

Q You had no intimate acquaintance with them then? A I knew them well.
Q How long did you see them there after the war, how many years? A I knew George about ——up to '80, that is I know he was there in '80.
Q Up to that time did you see him at frequent intervals? A Yes sir.
Q And his brothers? A Yes sir.
Q And his mother? A Yes sir, up to the time that she went away, but I don't remember the year she went away.
Q You don't know how early you became acquainted with her? A When she first came there to Kansas.
Q When was that? A In '82 or '3.
Q You got acquainted with George before? A Yes sir.
Q Did his mother continue to reside there from '82 on up? A Yes sir
Q George was not grown when you first knew him? A No sir, they were nothing but small boys when I first knew them.
(By Mellette)
Q How far is it from here to where you used to know this man in Kansas? A About 130 miles I guess.
Q How far is it from there to the line of the Cherokee Nation? A Hundred miles.
Q Do you remember that in '66 that it was it was talked about among those who had been slaves here in this country and were staying up there, that if they would come back within a certain time they would get their homes? A I don't think I remember about that, I wasn't old enough then to pay any attention to such things, I wasn't but 15 or 16 years old.
Q You don't know if he came here in '66 or not? A No sir I don't.
Q You say you saw him there frequently? A Yes sir I saw him there from time to time until '90.
Q After '90 you don't remember seeing him? A No sir, I know he married ~~(By Hastings)~~ about the time he left.
~~Q What was his~~ (By Hastings)

Q What was his wife's name? A Lagrant before she married him, she was residing there in Round City.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 8th of October, 1901.

Commissioner.

[illegible]

Appearances:

Y. E. Hastings, for the Cherokee Nation.

Ballinger & Smith for the applicant.

By Mr. Hastings: I desire to offer the following certificate from [illegible] County Clerk of Linn County, Kansas, showing that the name of George Tucker appears upon the assessment rolls as a resident of Grand City Township in the State of Kansas in the years 1888 [illegible] inclusive.

By Mr. Smith: The applicant objects to the introduction in evidence of the above mentioned instrument for the reason that it appears from the face thereof that the same is not a certified copy of any record, but appears to be a statement of the assessor, City, identified to by him, the same not being within the rules of law regulating the introduction in evidence of certified copies of records and not being the best evidence, and for the further reason that the person named in the said certificate is in no way identified with the applicant.

By Commissioner O. H. Brookbridge: The objection will be noted and the alleged certified copy of the record of Linn County, Kansas will be filed for the further consideration of the Commission.

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Commissioner to the Five Civilized Tribes

Upon the foregoing, being upon oath, I do solemnly swear that as stenographer in the proceedings in the above entitled and styled the foregoing is a full, true and correct transcript of the stenographic notes of said proceedings.

Subscribed and sworn to before me this 8th of November, 1901.

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 28th 1901.

In the matter of the application of George Tucker, C. T. R. 1215.

SUPPLEMENTAL TESTIMONY.

Appearances:
W. W. Hastings, for the Cherokee Nation.
Mellette & Smith for the applicant.

By Mr. Hastings: I desire to offer the following certificate from W. A. Gady, County Clerk of Linn County, Kansas, showing that the name of George Tucker appears upon the assessment rolls as a resident of Round City Township in the State of Kansas in the years from 1878 to 1880 inclusive.

By Mr. Smith: The applicant objects to the introduction in evidence of the above mentioned instrument for the reason that it appears from the face thereof that the same is not a certified copy of any record, but appears to be a statement of the said W. A. Gady, certified to by him, the same not being within the rules of law regulating the introduction in evidence of certified copies of records and not being the best evidence, and for the further reason that the person named in the said certificate is in no way identified with the applicant.

By Commissioner T. B. Breckinridge: The objection will be noted and the alleged certified copy of the record of Linn County, Kansas will be filed for the further consideration of the Commission.

- - - - - - -

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 9th of November, 1901.

Commissioner

the last permanently about 1895 or '6 and the current report was that she had gone to the Nation to draw her money, her money from the Cherokee Nation.

Q. Smith: What is your occupation? A. I am an attorney.

Q. Did you ever hear Sister Dead say anything to the contrary? A. No, as I stated, it was the current report that she had come here. I knew this, that she and her daughter Sallie came here to the street selling up a collection from their friends to get money to come down in about '95 or '6. I saw them in the streets and people told me that is what they were doing.

Q. As a lawyer, you ought to know better than to testify on hearsay testimony? A. Entirely drawing that I did, but there [illegible]

[illegible]

[illegible]

[

File with Cherokee Freedmen #-2012, George Parker.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 22, 1901.

In the matter of the application of Betsy Reed et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. E. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A A. E. Wayne.

Q What is your age? A Yesterday I was 48 years old.

Q You mean 48? A 58 years old, I was born in '43.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q Do you know a colored woman by the name of Betsy Reed? A I used to know such a colored lady.

Q When did you first become acquainted with her? A In the year 1862 if I mistake not.

Q Where were you living when the war closed? A I was living three miles southeast of Mound City, County of Lynn, State of Kansas.

Q Have you lived in and about Mound City ever since? A I have.

Q Well now how long did you continue to know Betsy Reed, after you became acquainted with her in '62? A Till way long up in ninety, the year 1890, or a little later than that maybe, but along about that time.

Q Where did she live during that time? A She lived near me for four years and then she moved to Mound City, during the time I had moved my place a little nearer to Mound City, and she lived then in about two and a half miles of where I lived.

Q What was her husband's name? A Joseph Reed.

Q Was she living with Joseph Reed when you first knew her? A No, sir.

Q Where did she marry him? A Married there at Mound City; no, it was west of Mound City where her residence was at that time, she was living with her brother.

Q What was her brother named? A George Brown.

Q This woman have any children? A Yes, sir.

Q What were their names? A Sarah and Jane.

Q Do you remember who Sarah married? A Well, she was married twice; she first married C. C. Green, and I declare I forget the other name, it is familiar, but I can't call it to mind now.

Q You only know two husbands? A She had two husbands.

Q Up there? A Yes, sir.

Q You don't recollect her second husband? A No, sir, I don't, but one of them was C. C. Green.

Q Well, did the other girl, Jane, marry? A Yes, sir.

Q Do you know her husband's name? A It was a Duncan.

Q Well, what are these boys' names? A One of them was named John.

Q John what? A John Duncan; he was with us when we took here, she said it was her boy, and the other was younger.

Q Well, where did they live? A They lived at Mound City, and around Mound City; they lived with her till they became of age, to about of age.

Q How far did you live from them during that five years? A The farthest that I lived was about four miles.

Q How long did these children live around there with their mother? A Well sir, I can't really tell you what time they did live, they stayed around there till after she moved to Mound City, and then I

didn't see them quite so often, I understand, they had bought a lot in Mound City.

Q About how long after the [illegible] they moved up in town? A Well, it was '66 or [illegible]

Q Then they moved up in town? A [illegible]

Q You saw them about town [illegible] yet.

Q Well how long did you see them [illegible]? A Well it was somewhere along in the eighties, maybe as late as the year '80, along about that time.

Q Then, Mr. Wayne, when did you last see George Tucker? A I don't remember the exact time.

Q Where was George Tucker in March, 1866? A He was living in 1866, he was living.

Q In March now? A Yes, sir, he was living four miles and about a quarter out west of Mound City.

Q Where was he in April? A I don't tell you where he was in April.

Q Where was he in May, 1866? A I can't tell you, I presume he was right there at the place.

Q Not what you presume, but what you know? A I can't tell you whether he was there or not. I saw him every month or so.

Q There was this man, George Tucker, in September, 1866? A Well I saw him there at his stepfather's.

Q You saw him in September? A I can't tell you whether it was in September, it was in '66.

Q Did you see him in October, '66? A I can't tell you whether it was that month or not.

Q Did you see him in November? A I can't tell you whether it was November, I paid no attention in regard to the months.

Q Do you know where Betsy Reed and the Sarah and Sam you have been talking about here in September, '66; did you see them in September, '66? A I don't know sir whether it was September or not.

Q Did you see them in October? A I can't tell you, I saw them in '66.

Q Did you see them in November? A I can't tell you whether it was that month or not.

Q Do you know where Betsy Reed was in the month of February, '66? A In '66, no, sir.

Q Or January, '66? A No, sir, not for certain.

Q Or March, '66? A I knew her I saw her there some period of those months, but what months it was I can't tell you.

Q Can you tell me any particular time in '66 that you saw Betsy Reed? A No, sir.

Q You say that there was only about four years of the time that they lived right near you? A Yes, sir, and then they moved to Mound City.

Q Where were they living when you first knew them? A They were living when I first knew them only about three quarters of a mile from where I lived.

Q That was in '62? A Yes, sir.

Q Know what time in '62? A Well, it was in the spring, but then I can't tell you the month. It was in the spring, I know that by my father's death and [illegible] being there.

Q When did your father died? A Sep, the 16th of January.

Q And it was about that time that you first got acquainted with these people? A Yes, along about that time.

Q Now it was about this years that they lived [illegible] not that close, they kept moving from different places around, they were living on four different places.

Q Well, how long did they live that near to you? A Well it was a year or so, I don't know exactly the time.

Q How far were they from you when they lived in Mound City? A Part of the time while they were living in Mound City they were about two miles and a half, and I was at a different place after that during that year, maybe pretty near four miles and a half.

Q Were you farming? A In '88 you mean now?
Q Yes? A Yes, sir.
Q Were you farming during all the time that you lived in the country and they lived in town? A No, sir.
Q When did you go to Mound City to live? A I never went to Mound City to live.
Q You don't live there yet? A No, sir. Well I did live there in '85 for a short time.
Q You didn't see very much of these people, did you; you had no occasion, you didn't go around, didn't go to their house? A Why I went to their house once or twice while they were living in Mound City.
Q Once or twice? A I can't tell you, sir.
Q You don't know whether the woman you are talking about is the same woman that is applying here for enrollment or not? A Only by the name under which I have been informed probably that this is the one; I don't know, no, sir.
Mr. Hastings: Well, did you see these people frequently n w from the time of the war up until the time they left there in about '90?
A Yes, sir.
Q Was Mound City your trading point? A Yes, sir; I made a rule of going there every Saturday.
Q You knew them in the country before they moved to town? A Yes, sir.
Q Then you saw them in town after that? A Yes, sir.
Q Did you ever miss them from up there any considerable length of time? A I did not.

Commissioner: This will be filed in D-1092, Betsy Reed, and will also be made part of the record in D-1094 and D-1095, and George Tucker, D-1013.

NEV CAMPBELL, being duly sworn by Commissioner Meadles, testified as follows:
Mr. Hastings: What is your name? A Nev Campbell.
Q What is your age? A 57.
Q What is your postoffice? A Mound City, Kansas.
Q How long has that been your postoffice? A 35 years.
Q Did you ever know a colored woman by the name of Betsy Reed?
A Yes, sir.
Q Where did you know her? A Mound City, Kansas.
Q About how long have you known her? A Well, I have been personally acquainted with her since 1869, and knew of her by reputation for a great many years before that.
Q You only knew her from that time? A Yes, personally acquainted with her and knew her by sight since '69.
Q Do you know any of her children? A Well, I know the Tucker boys.
Q What are their names? A John and George Tucker, and Sallie Green, or Mayse Sallie Green and after she married Mayse and he died there.
Q Where were they living when you knew them in '69? A Living in Mound City; well these Tucker boys were not living there at that time, I believe one of them had gone away at that time, John I think.
Q You didn't know them personally prior to that? A Well no, I didn't know them personally prior to that, I knew them by reputation.
Q What was Betsy Reed's husband's name? A Betsy Reed's hub and's name was Joe; they parted along in about '68 or '69.
Q Did you have any business for her? A For her, I did have for Joe, her husband; I was publishing a newspaper at that time and published his notice of divorce in the newspaper at that time, and

she left permanently about 1893 or '4, and the current report was that she had gone to the Nation to draw her money; her money from the Cherokee Nation.

Mr. Smith: What is your occupation? A I am an attorney.

Q Did you ever hear Betsy Reed say where she was going? A No, as I stated, it was the current report that she was coming here. I know this, that she and her daughter Sallie Green were around on the streets taking up a collection from their friends to get money to come down in about '93 or '4, I saw them on the streets and parties told me that is what they were doing.

Q As a lawyer, you ought to know better than to testify to hearsay testimony? A Strictly speaking that is true, but judging from what I have heard you ask as questions, I don't think the rule is very strictly enforced here.

Q You thought you wouldn't observe it? A Well, I took my chance from you.

Q Well, that notice for a divorce was against a non resident in the State of Kansas? A Why I suppose it was, yes, sir.

Q Well you don't publish notices where they are residents? A No, sir, if they know where they live; now if you will permit me to say, I understood she had gone down to the Nation about that time, but afterwards I know that she returned, in about a year, I think, or less; I know during the time she was in the Cherokee Nation in eighty or ninety, this publication was made.

CERTIFICATE

Bruce H. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 14th of November, 1901.

Commissioner.

The undersigned [illegible] shown, upon that he examined [illegible] the Commission [illegible] and [illegible] he correctly recorded the proceedings [illegible] hand case, and that the evidence is a true and correct transcript [illegible] taken [illegible]

(Signed) E. G. Rothenburger.

Subscribed and sworn to before me this 7th day of June, 19[illegible]

(Signed) F. [illegible] Porter,
Notary Public.

(Seal)

I, E. G. Rowell, a commoner to the Commission of the Cariboo Trail, do hereby state that the above and foregoing is a true and correct transcript of the evidence in the above entitled cause, [illegible] with the stenographic notes taken by me.

[illegible]

Subscribed and sworn to before me this [illegible]

Freed D 860

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. F. Hastings.

By Mr. Smith:

The applicant moves this Commission to make the certified copy of the decree of the Court of Claims in the case of Adams Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17290 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible], (Sam Blair), [illegible]

By W. F. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

Cherokee Freedmen D 1013.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Tucker for enrollment as a Cherokee Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 2, 1901, George Tucker appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 5, and October 29, 1901. Copies of the testimony taken at Vinita, Indian Territory, October 29, 1901, in the case of Betsy Reed, et al., are made a part of the record herein.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the rebellion; that he went to Kansas during the rebellion and did not return to and establish his residence in the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation. His name is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of George Tucker as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

FAD 1013

MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George Tucker,
Nowata, I. T.
Cherokee-F-D-1013.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

No. D 1013

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the 18 day of Sept, 1901.

Louis Vorson

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A.D. 1901.

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Notary Public.

FILED
SEP 18 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF the application of George Tucker for enrollment as a Cherokee citizen:

Case No. D 1013

To George Tucker or L. T. Brown his Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct 5th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 190

L. B. Bell

M. M. Hastings

Attorneys for the Cherokee Nation.

(B)

3D1013

CHEROKEE ENROLLMENT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 2 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901

Post Office Nowata I.T.

District Cov

1. Name George Tiger Age Mar 1900

Owner's name McPherson Citizenship Cherokee

Year K.C. Page 183 No. 4512 District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Stenographer B. C. Jones

Doubtful

100

1000

100

Represented by Louis T. Brown

l. F. D. 1013.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 16 1901

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKSHIRE.

ALBERT L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of July 2nd, 1901, in the matter of the application of George Tucker for enrollment as a Cherokee Freedman.

Louis T. Brown,
Agent for Applicant.

Cherokee Freedman #1013.

COPY.

Cherokee Freedman
D 1013

Muskogee, Indian Territory, March 24, 1904.

George Tucker,

Nowata, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. V-1

Registered.

COPY

Cherokee Freedmen
D 1013

Muskogee, Indian Territory, March 24, 1904.

Lewis T. Brown,
Agent for George Tucker,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of George Tucker for the enrollment of himself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. W-2
Registered.

COPY.

Cherokee Freedmen
D 1013

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of George Tucker for the enrollment of himself as a Cherokee freedman.

The decision, with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Encl. V-3

COPY.

Cherokee Freedman
D 1014.

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of George Tucker for enrollment as a Cherokee freedman, including the decision of the Commission dated March 2, 1904, rejecting said application.

Respectfully,

T. B. Needles

Encl. V-4

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

3 enclosures. COPY.

Refer in reply to the following:

Land 60523-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated March 24, 1904, transmitting the record of the application for enrollment as a Cherokee freedman of George Tucker.

March 8, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion, that he left the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1867. The applicant's name is not identified on the 1880 authenticated Cherokee roll.

In view of the record, the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

WAW

O

W.C.T.

J.P.

D.O. 20879-1904.

I.T.D. 4690-1904.

L.R.S.

THE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 15, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application for the enrollment of George Tucker as a Cherokee freedman (F.D.1013), including your decision of March 5, 1904, rejecting said application.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen
D. 2015.

Muskogee, Indian Territory, June 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application of George Tucker, for the enrollment of himself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 15, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D. 1015.

Muskogee, Indian Territory, June 23, 1904.

Louis T. Brown,
Agent for George Tucker,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application of George Tucker, for the enrollment of himself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June [illegible], [illegible].

George Tucker,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner's decision, dated March 8, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman was affirmed by the Secretary of the Interior on June 15, 1904.

Respectfully,

Commissioner in Charge.

Cherokee freedman
R-586

Muskogee, Indian Territory, May 28, 1906:

George Tucker,
Newata, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 3, 1906.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 24, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 25, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedman enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMT
Encl. 8-2

Cher. Fr. R-357

Cher. Fr. R. 357

See Cher. Fr. R 185

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COMMISSIONER OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES.
FILED
JUL 19 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 1, 1902.

In the matter of the application of Carrie Bell Ross for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Carrie Bell Ross.
Q What is your post-office? A Vinita.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q Who do you apply to have enrolled? A Just one daughter.
Q What is your daughter's name? A Sadie Ross.
Q How old is she? A 28.
Q She will have to apply for herself? A Well I just wanted to tell you that.
Q You want to apply for yourself? A Yes sir.
Q I asked you if you were a citizen and you said you was not? A I am a citizen, but I mean I am not recognized by the Cherokees.
Q Well I beg your pardon! A Yes sir.
Q How old are you? A I am in my 49th year.
Q Your name does not appear upon any of the rolls of the Cherokee Nation? A No sir.
Q Have you any witnesses? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Lewis Ross.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee nation during the Civil War? A Yes sir.
Q Where to? A Central City, Kansas.
Q When did you return? A '66.
Q 1866? A Yes sir.
Q Have you been living in the Cherokee nation since that time? A Not all the time.
Q Please tell us where you have been living? A I lived in the Creek nation some and I have lived in Kansas some, I ~~worked~~ worked there.
Q You live in Kansas now? A No sir, I have ~~lived~~ not lived there for years.
Q Are you married? A No sir.
Q Were you ever married? A No sir.
Q Never have been married? A No sir.

BY MR. JAMES DAVENPORT, Cherokee Rep've:

Q You lived in the Creek nation some, about how much of the time have you lived in the Creek nation? A Oh I guess about, let me see, about '74 until some time in '80.
Q How much of the time have you lived in Kansas? A When my daughter was first born she was born there I know in Kansas in '73, and I stayed up there until 1885.
Q You were living there at the time your daughter was born? A No, I was working there.
Q Were you married in Kansas? A No, indeed I wasn't married nowhere.
Q Mixing up with those Kansas fellows? A No, I wasn't married.
Q How long had you been up there when your daughter was born? A I guess about a year, maybe more.
Q That was at Central City? A No sir, that was at Chetopa.
Q You returned from Central City before? A Yes sir.
Q What place did you return from Central City after the war? A A First I remember was on Lightning Creek.
Q Near whose place? A Jack Landrum's place.
Q Who returned with you? A Family named Tylers, John Tyler. And there were some Creek people.
Q Sam Bowlegs didn't come with you? A No sir.
Q Nor Harry Still? A No sir, neither one of them.

Q They were all here when you got here? A They must have been.
Q When did you first see Harry? A I saw him at Tylers.
Q What time of the year did you come? A It wasn't cold yet, it must have been fall.
Q You don't know what yearit was? A They said it was '66, that is the first year I remember of; I never remembered them, of course I may have heard of them but I didn't remember them.
Q You are about 49 years old now? A Yes sir.
Q You were about 12 or 13 years old then? A Yes sir.
Q How long did you stay here before you went back to Kansas? A I guess about '70 or '71.
Q When did you first see Columbus McNair? A At my uncle's, on Grand river, uncle Jeff Lyons.
Q When was that? A '67.
Q Did you come backhere at the same time Jeff Lyons did? A No, I don't know when my uncle come.
Q It was after Lyons returned that you went down there? A Yes sir. I come in the fall, and we went the next year down to Jeff Lyons.
Q You came the year before you went to Jeff Lyons? A Yes sir.
Q And Jeff was living over there when you got back, on Grand river? A Yes sir, he was living there.

BY COM'R NEEDLES:

Q Why is your name not on the 1880 roll, do you know? A No sir, I don't know.
Q Did you ever apply to have it put on? A I didn't apply to the 1880 but I did in 1889.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found;
1896 census roll of citizens of the Cherokee nation examined and applicant not found;
Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not found;
Wallace roll of citizens of the Cherokee nation examined and applicant not found.

Q You never drawed Strip money? A No sir, I never drawed any.
Q Your name is not on any roll? A No sir.

BY MR. DAVENPORT:

Q You were not living at Vinita when the Kerns-Clifton money was paid? A No sir.
Q Where were you living? A At Gibson.

BY COM'R NEEDLES:

Q Why didn't you apply for Strip money? A I didn't know then when I got back.

HARRY STILL, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Harry Still.
Q What is your age? A 54.
Q What is your post-office? A Hayden.
Q You know the applicant, Carrie Bell Rose? A Yes sir.
Q How long have you known her? A Since '66.
Q You know whether she was a slave? A I know the first time I ever saw her she came to [illegible] with John Tyler.
Q When? A In the fall of '66.
Q Where did she come from? A I don't know sir.
Q Where did you see her in the fall of '66? A On Lightning Creek, John Tyler settled a place on the middle prong of Lightning Creek.
Q Where did you see her since that time? A At Vinita and Hayden.
Q You know whether she has been a resident since that time of the Cherokee nation? A I do not.

Q BY MR. DAVENPORT:
Q Is John Tyler deader living? A I don't know sir. He lived on Lighting Creek about eight or nine years altogether.
Q Where was he when you next heard of him? A The last time I heard of John he was on Mose Whitmire's place under the hill.
Q How long ago has that been? A I don't know sir, he moved from the place where he first settled and moved over on Salt Creek.
Q How long has it been since you have seen John Tyler, or heard of him? A I expect it has been 10 or 12 years since I saw John the last time.
Q Out near where Hayden is now was it he settled that place in '66? A About two and a half or three miles.
Q Had you come down before John did? A Yes sir.
Q What time of the year was it John got there? A Along late in the fall.
Q Pretty cold weather? A Yes sir. It was kind of cold weather.
Q Winter time? A Yes sir.
Q About Christmas? A Little before.
Q Just before Christmas or a little after? A I aint positive when it was.
Q It was getting cold weather? A Yes sir. And John Tyler moved from there and went on Salt Creek; moved from Lightning Creek over on Salt Creek.
Q You haven't seen much of him since that have you? A I have seen John a good many years.
Q You don't know where the applicant has been living since that time? A She first went away from there and come back to John Tyler's in '68, and she left there in '68. She is a sister of Katie Thornton's. She left there in '68 and I saw her in Muskogee; I saw her in Vinita at the Wallace ~~xxxxxx~~ enrollment, and I saw her here in Hayden, ~~xxxx~~ I saw her several times.
Q She came from Kansas to the Wallace enrollment? A I don't know sir.
Q You didn't ask her? A No sir.
Q She had seen you and you talked to her at the Wallace enrollment? A No sir, ~~it was~~ of course I met her and talked with her like people generally talk.

JOHN LANDRUM, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Landrum.
Q How old are you? A 59.
Q You know the applicant, Carrie Bell Ross? A Yes sir, I am slightly acquainted with her.
Q How long have you known her? A Well, since peace.
Q Was she a slave? A I suppose so.
Q Do you know so? A Well, yes sir; how come me to know it, her sister said she was a slave.
Q You don't know it yourself? A No sir, I didn't get acquinted with her until she come here where I am living now on Lightning Creek.
Q When was that? A She come there in '66 on Lightning Creek
Q What time in '66? A I couldn't tell you just exactly.
Q Who come with her? A John Tyler brought her.
Q You were living there then? A Yes sir.
Q How long had you been living there then? A I had been living there about a year.

BY MR. DAVENPORT, Cherokee Rep've:
Q ~~xxxxxxxxxxxxxx~~ What time of the year was it when you first saw her? A It was in towards the last of '66 so it was said.
Q About what month of the year was it? A I couldn't tell you what month it was, I have been telling you that all the time, because I don't want to tell you a story.
Q Was it in August or September? A Before Christmas awhile.
Q About a week or two before Christmas? A Yes sir, it was before

Christmas.
Q When did you come there? A I come in the fall of '66.
Q You didn't get there but a little before Christmas yourself did you? A Oh no I come in the fall.
Q You remember distinctly when she came? A Yes sir, I remember when she came with Tyler; that's only the time I saw her, I never saw her before.
Q Was she a grown young woman? A She was a young woman, she seemed to be about 13 or 14 years old, maybe a little more.
Q What became of John Tyler from that place? A I couldn't tell you where he went to.
Q Was her father with her? A No sir, not as I know of, unless John might have been.
Q Any of her family? A No sir. Her sister was living there on ~~Rex Mckinney~~ Lightning Creek below me.
Q What was her name? A Katie Thornton.
Q Did she have a house? A Yes sir, where Maddin is living now, Henry Thornton had built a cabin there.
Q She didn't get there until Katie had a house there? A Yes sir, she had a little cabin there.
Q You had been living there about a year or more when Carrie came? A Yes sir.

COLUMBUS McNAIR, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus McNair.
Q How old are you? A 51.
Q What is your post-office? A Vinita.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q You know the applicant, Carrie Bell Ross? A Yes sir.
Q How long have you known her? A About all her life.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Lewis Ross.
Q You sure of that? A Yes sir, worked in about two miles and a half of where she was.
Q Did she go out of the Cherokee nation during the war? A I guess she did, I wasn't here, I couldn't say for certain.
Q Where were you? A I was South.
Q When was the first time you saw her after the Civil War? A In '67.
Q Where was that? A On Grand river.
Q ~~Was~~ Was that up on Lightning Creek? A No, I wasn't up on Lightning creek then.
Q That was in 1867? A Yes sir.
Q You don't know when she returned, or whether she went out or not? A No sir I don't.
BY MR. DAVENPORT:
Q You say she belonged to Lewis Ross? A Yes sir.
BY COM'R NEEDLES:
Q Lewis Ross of Cherokee? A Yes sir.

Applicant, CARRIE BELL ROSS, re-called and further examined.

BY COM'R NEEDLES:
Q What is your father's and mother's name? A Jake and Lillie Ann Ross.
Q They slaves of Lewis Ross? A Yes sir.

Com'r Needles: Carrie Bell Ross applies for the enrollment of herself; she avers that she was a slave of Lewis Ross, and her father and mother were slaves also of Lewis Ross; she avers

Carrie Bell Ross 5

that she was taken out of the Nation during the war, but does not exactly recollect when she returned; she makes satisfactory proof as to her having been a slave, but the testimony as to the time when she returned is somewhat indefinite; her name is not found upon any of the rolls of the Cherokee Nation; for some cause she has never been recognized by the Cherokee authorities as a Cherokee Freedman; she avers that she has lived both in the Creek Nation and the State of Kansas; she is not married; said Carrie Bell Ross will now be listed for enrollment as a Cherokee Freedman's doubtful card; she will be notified by mail of the decision of the Commission.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 16, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 11 1901
Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 20th 1903.

SUPPLEMENTAL TESTIMONY in the matter of the application of Carrie E. Ross, C. T. R. 6[illegible].

Appearances:
W. W. Hastings for the Cherokee Nation.
Applicant present in person.

W. A. JOHNSON being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation.
(By Hastings)
Q What is your name? A W. A. Johnson.
Q What is your age? A 74.
Q What is your post office address? A Garnett, Kansas.
Q That has been your post office since before the war? A Yes sir
Q Do you know this applicant here, Carrie E. Ross? A I do.
Q When did you first begin to know her? A When I first knew her it must have been about '67 or '8.
Q Did you know her father? A Yes sir.
Q What is his name? A Jacob.
Q Did your know her mother? A I know her mother by sight only.
Q Did you know them in Garnett, Kansas? A Yes sir.
Q How long did you continue to know this applicant in Garnett, Kansas?
A About three years.
Q You are a practicing attorney there? A Yes sir.
Q I will ask you if you had a trial in which this applicant figured?
A Yes sir.
Q What was the nature of that suit? A It was a suit in court instituted by her against Newton Quigley charging him with being the father of a bastard child which was being carried at that time by her.
Q Was there some investigation at that time as to her pregnancy? A Yes sir.
Q Did she afterwards give birth to that child? A Yes sir.
Q Did you know that child's name? A That child was named Sadie.
Q Where was that child born? A In Garnett, Kansas.
Q Then you knew her up until after the child was born? A Yes sir.
Q Did she live with her father and mother? A Yes sir.
Q Did you know where they came from there? A No sir I dont know exactly.
(By the Commission)
Q When was this trial? A In '68.
Q How long had you known her before that? A About a year before that.

WILLIAM RAY being sworn by Com'r T. B. Needles, testified as follows for the Cherokee Nation:
(By Hastings)
Q What is your name? A William Ray.
Q What is your age? A 63 past.
Q What is your post office address? A Garnett, Kansas.
Q I believe you test fied that has been your post office since '67 or '8? A Yes sir.
Q Do you know this applicant here, Carrie E. Ross? A Yes sir.
Q How long have you known her? A I got acquainted with her in '68 or '9
Q Did you know her before her child Sadie was born? A Just before about the time the two Quigleys said that the suit was filed.
Q Did you know her father? A Yes sir.
Q What was his name? A Jacob Lander is what we called him
Q Do you know if he went by the name of Ross? A Only from what I h. heard.
Q Did you know her mother? A Yes sir.
Q What was her name? A Lidia.
Q How long did she continue to stay at Garnett? A Not very long I think.
Q How long after the child was born did she stay there? A In about

as I mean tell, she left there as soon as he child got a little size.
Q Do you know where she went? A I don't know positively.
Q Did her father and mother continue to live here? A He died—her mother died soon after she left there.
(By the Commission)
Q The first you knew of this woman was in '68? A Either '8 or '9.
Q At Garnett, Kansas? A Yes sir.
Q Do you know where she came from when she went to Garnett? A No sir, only that her father moved from off a farm into town.
Q You dont know where they were in '66 or '7? A No sir.
(By Hastings)
Q How long had you known her father before that? A I had seen him passing, but was not much acquainted with him.

APPLICANT recalled by Mr. Hastings for further cross examination;
Q What was your father's name? A Jacob Venn.
Q Did he ever go by the name of Lenier? A Yes sir.
Q And Reset? A Yes sir.
Q And this is the same party that Col. Johnson and William Ray have been talking about? A Yes sir.
(By the Commission)
Q Where were you in '66? A I was here.
Q How long had you been here before going to Garnett? A I dont know just exactly, some here about the time the soldiers was discharged.
Q How long did you stay here then? A Until the first part of '67 when I left here.
Q Where did you go then? A Chetopa, Kansas
Q Where then? A In my evidence I said that my father and mother were dead because when I was with those people I was told that—the news came that my mother was dead, and I didn't get back where my folks was then, and after that I heard that my father and mother were both living and that is the way I got amongst these people.
Q You say that afterwards you heard they were living? A Yes sir.
Q Where did you go after you heard they were living? A To Garnett
Q Did you have a child born there? A Yes sir.
Q How long did you stay there? A The child was born April 28th and I staid to 1871.
Q Did you then come back to the Cherokee Nation? A Yes sir.
Q Have you staid here ever since? A No sir I went out to work.
Q Were you ever married? A No sir.
Q Never have been married? A No sir.
Q What were you doing here in '66? A I were living with a family named Tylere.
Q Working for them? A No sir they just brought me along with them when they came.
(By Hastings)
Q Who did you say you came here with? A Tylere.
Q Where did you leave your mother? A They put me out with some white people at Central City, Kansas.
Q How old were you then? A I dont know.
Q They put you out with some white people? A Yes sir me and my brother Mose.
Q When was that? A Before the people came out of the army.
Q Where was your mother then? A At home.
Q In town? A No sir my brother was in town.
Q Was your mother in town then? A No sir.
Q You dont know how far she was from you? A No sir.
Q You was born where? A From what people tells me in '58.
Q And you came here with Tylor—was it John Tylor? A Yes sir.
Q Came in wagons? A Yes sir.
Q Why didn't you tell that before? A I did tell that before.
Q When did you go back to Kansas? A I dont know the date of the month
Q Dont you know the year? A I dont directly know the year, I didn't know much about these things until I became a Christian.
Q When did you become a Christian? A About 15 years ago
Q Was this man Tylor any kin to you? A No sir just acquaintances.
Q How many children have you had? A Two born in Garnett.

Q What was the youngest child's name? A Never had no more.
Q Died small? A Yes sir.

* * * * * * * * * * * * * * * * * *

This will be filed with the original application and also a copy with the case of Sadie Rose et al., U. P. R. 199.

Chas. von Weise, being first duly sworn upon his oath says that he is the stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this 6th day of November, 1901.

Commissioner

Cmmr

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Carrie B. Ross, et al., as Cherokee Freedmen, consolidating the applications of--

Carrie B. Ross,	Cherokee Freedmen D-999.
Sadie Ross, et al.,	Cherokee Freedmen R-158.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Carrie B. Ross for herself, and by Sadie Ross for herself and her minor daughter, Eva Ross.

The evidence in this case shows that the applicant, Carrie B. Ross, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she left the Cherokee Nation and went to the State of Kansas. In her testimony given before the Commission at Nowata, Indian Territory, on July 1,1901, she states that she returned to the Cherokee Nation in 1866, and attempts to support this statement by the testimony of Harry Still and John Landrum. Harry Still testifies that he saw her in the Cherokee Nation in 1866. The Commission has found in the case of Harry Still, Cherokee Freedmen -876, that the said Harry Still did not return to the Cherokee Nation within the time specified in the Cherokee Treaty of 1866 for the return of freedmen to said Nation; therefore, he could not possibly have seen the applicant, Carrie B. Ross, in the Cherokee Nation in 1866; and if, as he states, he was living in said Nation when the applicant, Carrie B. Ross, returned thereto, then she did not return within the time specified in the Cherokee treaty of 1866. The testimony of John Landrum is that the applicant, Carrie B. Ross, came to the Cherokee Nation in 1866. This statement is contradicted by him later in his testimony when he testifies that he himself came to the Cherokee Nation in the fall of 1866, and that the applicant, Carrie B. Ross, did not come thereto until about a year afterwards. The testimony of the applicant is to the effect that she lived a short time in the Cherokee Nation and returned to the State of Kansas in 1867, where she remained until about the year 1873 or 1874, when she removed to the Creek Nation, where she lived for several years. The Cherokee Nation introduced three witnesses, then residents of the State of Kansas, who testified that they knew the

applicant, Carrie B. Ross, in the State of Kansas as early as the year 1867, and that she lived in said State for several years after that time. The applicants, Sadie Ross and Eva Ross have been born since 1866, are the child and grand-child of the said Carrie B. Ross, and have no right to enrollment except through her.

It does not appear that any one of the applicants herein is identified upon the 1880 authenticated Cherokee Roll; neither does it appear that any one of them has ever been recognized by the Cherokee tribal authorities as a Cherokee freedman.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Carrie B. Ross, Sadie Ross and Eva Ross as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W E Stanley
Commissioner.

Muskogee, Indian Territory,
this MAR - 5 1906

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Carrie B. Ross, et al., as Cherokee Freedmen, consolidating the applications of--

Carrie B. Ross, Cherokee Freedman R-998.
Nadie Ross, et al., Cherokee Freedmen R-158.

DECISION.

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applicant, Carrie B. Ross, in the State of Kansas as early as the year 1867, and that she lived in said State for several years after that time. The applicants, Sadie Ross and Eva Ross have been born since 1866, are the child and grand-child of the said Carrie B. Ross, and have no right to enrollment except through her.

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It is, therefore, the opinion of this Commission that the applications for the enrollment of Carrie B. Ross, Sadie Ross and Eva Ross as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

(SIGNED) W. E. Stanley
Commissioner.

Muskogee, Indian Territory,

this MAR - 5 1906

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Carrie B. Ross,
Vinita, I.T.
Cherokee F-D-999
Register.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Carrie B. Ross for enrollment as a Cherokee Freedman.

No. F. D. 999

Henry Pack, of lawful age, being duly sworn on oath states that on the 20th day of September, A. D., 1901, he registered to Carrie B. Ross whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Tahlequah Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Carrie B. Ross, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 28th day of Sept. A. D. 1901.

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 2 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Carrie B. Ross for enrollment as Cherokee Freedmen:

Case No. F. D. 999

To Carrie B. Ross Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

F. D. 999

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this.....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of....., 190....

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Jessie B. Ross

on the 25 day of Oct A. D. 1901

Henry Puck

Subscribed and sworn to before me this 25th Oct 1901

J. Clark

Notary Public.

D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 25 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF the application of Carrie B. Ross for enrollment as Cherokee Freedmen:

Case No. F. D. 999

To Carrie B. Ross, Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on October, 26th, 1901, at 8 O'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October, 25th, 1901.

L B Bell

W. W. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

B

3D999

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1, 1901

Post Office Vinita I.T.

District Cos.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Carrie B. Ross Age 49

Owner's name Lewis Ross Citizenship Cherokee

Year — Page — No. — District —

Parents:

Father Joyce Ross Citizenship Ch. Freed

Mother Lillie " Citizenship " "

Names of Children:

3. ~~Sadie~~ ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Ms. 1 Stenographer M. D. Green

Doubtful

COPY.

Cherokee Freedmen
D-999

Muskogee, Indian Territory, March 24, 1904.

Carrie B. Ross,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your said application.

The decision, with the record o f proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Reed

Commissioner in Charge.

Register

Enc. D-82.

COPY.

Cherokee Freedmen
D-999 et al.

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Carrie B. Ross et al., rejecting the applications for the enrollment of Carrie B. Ross, Sadie Ross and Eva Ross as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-84.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-999 et al.

Muskogee, Indian Territory, March 24, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Carrie B. Ross et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Carrie B., Sadie and Eva Ross as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-85.

COPY

[illegible]

[illegible]

[illegible] OF THE INTERIOR,

[illegible] INDIAN AFFAIRS,

[illegible], June 8, 190[illegible].

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the applications for enrollment as Cherokee Freedmen of Carrie B. Ross, Sadie Ross and her minor child, Eva Ross.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Carrie B. Ross was the slave of a Cherokee citizen at the beginning of the war of the Rebellion, that during the rebellion she left the Cherokee Nation and did not return thereto and establish a residence therein on or before February 11, 1867, but on the contrary has resided in Kansas and the Creek Nation. The applicants, Sadie Ross and Eva Ross have been born since February 11, 1867 and are the child and grand child of the applicant Carrie B. Ross and have no right to enrollment except through her.

It does not appear that one of the applicants is identified on the 1910 enumeration of Jackson roll.

In view of the record herein proved, the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Fowler,

Acting Commissioner.

E.M.M.

W.

W.C.F.

J.P.

FHE

D.C.20185-1904.

I. T.D.4004-1904.

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 14, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the consolidated Cherokee freedman case of Carrie B. Ross et al. (F.C-999 et al.), including your decision of March 5, 1904, rejecting the application for the enrollment of Carrie B., Sadie and Eva Ross.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

Cherokee Freedman
D.979, R. 186

Muskogee, Indian Territory, June 25, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of Carrie B. Ross et al., rejecting the applications for the enrollment of Carrie B., Sadie and Eva Ross, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 14, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
[illegible]

Muskogee, Indian Territory, June 23, 1904.

Carrie B. Ross,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 14, 1904.

Respectfully,

Commissioner in Charge.

(COPY)

Coalgate, I. T., June 14, 1906.

D.C.25880

Mr. Hitchcock,

I am a citizen of the Cherokee Nation and was a slave of Lewis Ross which was proven but I was rejected on account of one of my witness which was Harry Still and now that he has proved himself all right and is reconized as a Cherokee freedman and has filed I would like to have my case looked into and and also be reconized as a freedman as for witnesses I have got them if any more are needed I have my papers here that was sent me by the Commission yet. I came here with John Tyler and have witnesses that know him and know that he did bring me back in 1866 and can prove it now. I would like to know if I will have to take them to Muskogee before the Commission or can I be reconized now without them as Harry Still is all right now I have four more witness that lived in the neighborgood of where Tyler lived and are good reliable citizens of this nation and are on roll members and know where I was born and who I belonged to and just when I came back for they where here when I came. Now I would like to know what to do please oblige by answering.

Carrie B. Ross

Muskogee, Indian Territory, October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a letter from Carrie B. Ross of Coalgate, Indian Territory, dated June 14, 1906, requesting a rehearing in her Cherokee Freedman Enrollment Case. This letter was addressed to the Secretary of the Interior, was referred to this office June 22, 1906, for appropriate action, and was received at this office June 25, 1906.

On July 25, 1906, the applicant was notified that her application for enrollment as a Cherokee Freedman was denied by the Secretary of the Interior June 14, 1904, and as to the law with reference to the filing of motions for the reconsideration of citizenship cases. She was also advised that there not sufficient information contained in her communication to warrant a favorable recommendation by this office to the Department that a rehearing be granted her, and that she would be allowed twenty days from date within which to file a proper motion for a rehearing in her case.

Said applicant failed to respond to this office letter, and it is respectfully recommended that the request contained in her letter for a rehearing in her case be denied.

The decision of the Commission to the Five Civilized Tribes

Sir:

Under date March 6, 1904, [illegible], [illegible], the application for the enrollment of Carrie B. Ross as a freedman citizen of the Cherokee Nation was [illegible] by the Department June 11, 1904, (I. T. D. 4700 [illegible]).

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

MC-17-5

Cherokee Freedman R 387

Muskogee, Indian Territory, July 25, 1906.

Carrie B. Ross,

Coalgate, Indian Territory.

Dear Madam:

This office is in receipt on June 25, 1906, by reference of the Secretary of the Interior, of your letter of June 14, 1906, asking for a rehearing in your Cherokee freedman enrollment case.

The records of this office show that your application for enrollment as a Cherokee freedman was denied by the Secretary of the Interior on June 14, 1906. The Act of Congress approved April 26, 1906, (Public No. 129), in part provides:

> " . . . and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: . . ."

There does not seem to be sufficient reason contained in your letter to warrant a favorable recommendation by the office to the Secretary of the Interior that a re-

hearing be granted you, and your communication does not meet the usual requirements of motions for rehearing. You are advised that you will be allowed twenty days from the date hereof, within which to file with this office a proper motion for a rehearing of your case stating fully therein the facts which you expect to prove; have the same supported by affidavits of the witnesses whose testimony you propose to introduce in the event a rehearing is ordered, stating in the affidavits the facts to which they will testify, and serve copies of all papers filed on the Attorney for the Cherokee Nation, and makeproof of such service.

Respectfully,

M.A.

Commissioner.

Muskogee, Indian Territory, July 25, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is enclosed herewith a copy of a letter received June 25, 1906, from Carrie B. Ross, Coalgate, Indian Territory, June 14, 1906, requesting a rehearing in her Cherokee freedman case.

This letter will be treated as a motion for a rehearing and the applicant has this day been notified that she would be allowed 20 days from this date within which to file with this office a proper motion to reopen hercase. She has also been advised that she will be required to serve copies of all papers filed on you.

Respectfully,

M.A.

Commissioner.

--COPY-- --Copy--

LAND:

39584-1904.
92817-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of June 14, 1906, (I.T.D. 4694-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Carrie B. Ross, et al., for enrollment as Cherokee freedman, I now have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, reporting on the letter of Carrie B. Ross, of Coalgate, I.T., referred to him by Departmental reference of June 22, 1906.

The Commissioner reports that on July 25, 1906, he notified the applicant that there was not sufficient information contained in her communication to warrant favorable recommendation by him that a rehearing be granted to her, and also advised her that she would be allowed twenty days from that date within which to file a proper motion for rehearing. The Commissioner reports that she has failed to respond to his letter or to file any further motion in the matter, and recommends that the request contained in her letter for a rehearing be denied. The Office

concurs in the Commissioner's recommendation.

The record in the case is transmitted herewith.

Very respectfully,

Acting Commissioner.

JWE-EH

B.C.52096-1906.

G.R.
LLB

DEPARTMENT OF THE INTERIOR,

COPY

WASHINGTON.

I.T.D. 4694-1904.
23204-1906.

November 26, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 17, 1906, you reported upon a request of Carrie B. Ross dated June 14, 1906, for a rehearing in her Cherokee freedman enrollment case, wherein the Department on June 14, 1904 (I.T.D.4694), denied her application for the enrollment of herself and children as Cherokee freedmen.

In accordance with the recommendation of the Indian Office of November 19, 1906 (Land 39584), copy whereof is forwarded, said request for a rehearing is hereby denied.

You will notify applicant of this action.

The record in the case has been returned this day for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 5 to Ind. Of.

G762

REFER IN REPLY TO THE FOLLOWING
Cherokee Freed.
R 387.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1906.

Carrie B. Ross,

Coalgate, Indian Territory.

Dear Madam:

This office is in receipt of Departmental letter of November 26, 1906, in which your request for rehearing in your Cherokee freedman enrollment case is denied.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Wm O. Beall

Acting Commissioner.

Encl.W-5.
S.W.

Cherokee Freed.
R 387.

Muskogee, Indian Territory, December 6, 1906.

W. H. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental letter of November 26, 1906, in which the request of Carrie B. Ross for a rehearing in her Cherokee freedman enrollment case is denied.

Respectfully,

Encl. W-6.
S.W.

Acting Commissioner.

Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, [redacted]

REGISTERED
MAR 22 1902
Vinita, Ind. Ter.

Register No. 413/361

Return to Writer,
UNCLAIMED.

Return to Writer,
UNCLAIMED.

Mrs. Carrie B. Rose,
Vinita, Indian Territory.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
DEC 7
5 P M
1901
IND. T.

COALGATE
JAN 8
12 M
1902
IND. T.

RETURNED TO SENDER

~~Carrie B. Rose,~~

~~Coalgate~~, Indian Territory.

HR 371

VINITA, I.T.
MAR
27
1902
M.O.

COALGATE, IND.T.
REC'D

Cher. Fr. R-388

See Cher. Fr. D 828

Cher. Fr. R-388

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T. June 24th 1901.

In the matter of the application of John May for the enrollment of himself and five children as Cherokee freedmen, and for the enrolment of his wife as a Cherokee freedman by intermarriage. He being first duly sworn by Commissioner T.B. Needles, testified as follows:

Q. What is your name? A John May.
Q How old are you? A 46 or 7.
Q What is your post office address? A Coffeyville.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A My wife and five children.
Q Is your name on the roll of 1880? A No sir.
Q What is your wifes name? A Lizzie.
Q How old is she? A 30
Q Is she a citizen? A No sir.
Q A non citizen? A Yes sir.
Q What are the names of your children? A Sophia May.
Q How old 7 years.
Q Next? Ettie.
Q How old? A 6.
Q Next? A Minnie.
Q How old? A 4.
Q Next? A Elmer.
Q How old? A 2 years.
Q Next? Idella.
Q How old? A 16 months.
Q Is your name on any of the rolls? A Yes sir.
Q What rolls? A Wallace and Kerns. I am on the Kerns Clifton roll as Keilers May or Landrum, and on the wallace roll as May.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Name of the applicant's wife not found on any of the rolls of the Cherokee Nation.

The Kern Clifton roll of the Cherokee Nation examined and the name of the applicant found as follows:
Page 101 No. 2524, Callus May or Landrum, Cooweescoowee District.

The wallace roll of the Cherokee Nation examined and the name of the applicant found as follows:
Page 120, No 2541, Callis M. Landrum, Delware District.

Q Do you contend that the Callus May or Landrum found on these rolls are intended for you? A Yes sir.
Q How comes it that you are there as Callus? A That is a nick name I had in slave times, my proper name is John.
Q What was your fathers name? A Dave May.

Q Is he living? A No sir.
Q What was your mother's name? A Sophia.
Q Is she living? A No sir.
Q Is she living? A No sir.
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Liney Landrum.
Q Was she a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A Fort Scott, Kansas.
Q Who took you out? A The Union Soldiers.
Q When did you return to the Cherokee Nation after the war? A I return in the fall of '66, along in the fall.
Q You remember that do you? A Yes sir.
Q Who did you come with? A I came the first time by myself, had to skip out.
Q Where did you skip to? A With aunt Milly Frye.
Q Where was that? A On Grand river.
Q Then did you go back to Kansas? A Yes sir.
Q When did you come back the second time? A Time of the Horse creek fight.
Q How old was you then? A I dont know sir, about 12 years old I guess.
Q Haveyou been living in the Cherokee Nation ever since then?
A. Yes sir, but I havebeen working out some.
Q Are you married? A Yes sir.
Q What is your wifes name? A Lizzie.
Q Is she a citizen? A No sir.
Q Haveyou any proof of your marriage? A No, sir, not with me, I have it though.

By W. W. Hastings, Cherokee representative-

Q What is your eldest childs name? A Sophia.
Q How old is she? A 7 years.
Q Were you never married before? A Yes sir.
Q What was your first wifes name? A Ide Scrimpsher
Q Where did you marry her? A Coodeys Bluff.
Q Who married you? A Coosey Faber.
Q You say you came here by yourself the first time? A Yes sir.
Q And you were only 12 years old then? A Yes sir I guess so.
Q You call yourself 46 now dont you? A Yes sir.
Q What time of the year did you come? A In the latter part of the summer.
Q How long did you stay here then? A I staid here a while going from house to house and place to place, begging wherever I could.
Q Did you stay here a month? A Yes sir.
Q Did you beg all that time? A I cant exactly tell.
Q About what time of the year did you come back? A In the fall
Q Was it getting cold weather? A No sir, between hay time.
Q Between October and November then? A Yes sir.
Q How long did you stay in Kansas that time? A I staid there until long in the summer.
Q Who did you come back with the second time? A I was close to Baywood and met an old man named Winshere and staid there two months and worked for him and then I come on back down here; I didnts go all the way back that second time as they was after me at Fort Scott and I just begged around here and there.
Q What were they after you for? A Fighting-cutting a fellow up.
Q Was they afteryou when you went back? A I staid away from around there.

Q If I get it right you came down here first by yourself and staid a while and then went back to where you came from and staid there two or threemonths? A No sir, I d idn't go to where I come from, I went back to Kansas but didn't go to Fort Scott.
Q You staid in Kansas then 2 or 3 months? A Yes sir about 2 months.
Q What place was it that you staid at? A Close to-- it was at-- I don't know, there wasn't any town close there, it was at an old mans named Winshep or Winshere, he has a log house and I worked there and slept in the chicken house all the time.
Q You don't know what town it was near? A No sir.
Q How long did you stay there? A I dont know exactly.
Q Well about how long? A A month or more.
Q Couldn't you have staid there as much as five years? A No sir.
Q Then did you come back here? A Yes sir.
Q Was that in the spring? A No sir.
Q When did you come back the second time? A It wasn't cold weather yet.
Q Who was with you when you come back the second time? A U met up with that gand that had the fight at Horse Creek.
Q Who was in the gang? A A lot of them.
Q Well who? A Lou Martin, Joe Bean, Art Bean and a lot more, I can't tel. them.
Q And you come on down with thm? A Yes sir.
Q Where did you go that time? A I came to Fattie George's and Grand River.
Q What was his other name? A George Lynch, I staid there a while and went to Aunt Millies and she drove me off.
Q Was that the first time you was her? A The first time I seed her was when I come down the first time.
Q You didn't use your Aunt Millie before the Kern Clifton Commission did you? A No sir.
Q Did you tell them that time of having come here as a boy? A Yes sir, I told them that I come here as a boy.
Q How long did you stay here that second trip? A I dont know.
Q About how long? A I didn't stay long.
Q A wee? A Yes sir here than that round about.
Q At whose places? A First one and then another, I was at Arts and Grapes and Georges and Tobes.
Q How long did you stay there? A I was just first at one place and then at another?
Q We are going to stay here a week or know how long you staid there, was it a year, six months, a week or 10 years? A I dont know, it was longer than a month and not so long as six months.
Q Where did you go then? A Back up north.
Q Where up north? A Kansas.
Q What place in Kansas? A Fort Scott and Garnett.
Q Did you stay there until you got grown? A No sir I went from Fort Scott to Garnett.
Q When did you come back to the Cherokee Nation? A Off and on all the time, never would stay out long, ever since I have been married I have been working off and on in Kansas City.
Q Were you ever at Mapleton, Kansas? A Yes sir.
Q Were you therein '67? A I dont think I was.
Q How about 68? A No sir.
Q How about '72? A I wasn't there in '72, I was in Kansas City in '81.
Q When and where have you first had a home in the Cherokee Nation? Or who did you stay with or work for here for any length of time? A Wil Willis Towers.

Q Where did you first come to the Cherokee Nation to set up for yourself for any length of time? A At George Meigs.
How long did you stay with him? A I staid with him---- I raised two crops with him.
Q When was that? A Before I married.
Q What year did you marry? A I just cane tell you, it has been somewheres in '74 I believe.
Q Was that the first work that you did in the Cherokee Nation for yourself? A No sir, I worked before that for Daniel Sanders, making rails and then I worked for Uncle Nathan Duffen.
Q Where did you live after you married? A At Coodys Bluff.
Q Howlong did you live there? A I dont know how long, I lived there a long time.
Q A year? A Yes sir, over a year.
Q Where did you go from there? A Possom creek.
Q How long did you live there? A Ever since off and on.
Q Didn't you come from Kansas down here? A No sir, I was out in the Osage country and came back from there 2 or 3 months ago.
Q Where is your wife? A On Timber hill at our old place.
Q Were you ever tried at Fortsmith? A Yes sir.
Q What for? I was charged with stealing?
Q From who? A George Brown.
Q A colored man? A Yes sir.
Q What was done with you, were you tried? A Yes sir.
Q What did they do with you? A Sent me to the pen at Little Rock.

By the Commission:

Q Were you married the second time? A Yes sir.
Q Your first wife was named Schripmsher? A Yes sir.
Q Was she a citizen? A Yes sir on the 1880 roll.
Q Where did you marry her? A In Gooseneck Bend.
Q Is she dead? A Yes sir.
Q Have you any children by her? A No sir.
Q Where were these children born? A Right here in town.
Q In the Cherokee Nation? A Yes sir.
Q Are these children all living? A Yes sir.
Q You say you live on a farm now? A Yes sir.
Q How long have you lived on that farm? A 5 years.
Q Where have you lived in the Cherokee Nation before that? A Here in town, in Nowata, I married right here in the Cherokee Nation.
Q Don't you know how long it has been since you married this woman Lizzie? A No sir.
Q Since you have married you have worked in Kansas, in the Osage Nation and in Kansas City,? A Yes sir.
Q But your home has been here all the time? A Yes sir.

MILLIE FRYE, called and sworn as a witness for the applicant, testified as follows:

Q What is your name? A Millie Frye.
Q How old are you? A 64.
Q What is your post office address? A Vinita.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know the applicant? A Yes sir.

Q How long have you known him? A Ever since he was a boy.
Q Was he a born slave? A Yes sir.
Q Who was his owner? A Polina Landrum.
Q Was she a native Cherokee? A Yes sir.
Q Was he taken out of the Cherokee nation during the war? A Yes sir, he went north.
Q Where to? A They lived there at Mound City.
Q Do you know when he came back? A No sir.
Q When did you first see him in the Cherokee Nation after the war? A In '66 with Crap and Art.
Q Have you seen him much since then? A No sir not much, he was at a dance then?
Q Is he any relation of yours? A No sir.
Q But you knew him before the war? A Yes sir.
Q When you saw him at Craps you knew him of course? A Yes sir.
Q Do yu know his wife? A No sir I dont.

By Hastings:

Q Was he married at that time? A No sir.
Q Was he grown?A.He was about grown.
Q How old was he then? A I don't know
Q You didn't testify for him before the Kern Clifton Commission?
A No sir, I wasn't asked.
Q But you remember now of having seen him then? A Yes sir, I seed him that time at the dance, at craps.
Q How long after that did you see him again? A Art gave a dance after that and he was there?
Q When did you see him again? A I don't know.
Q How many years after that before you saw himagain? A I dont know. I saw him at the Wallace court though.
Q You never saw him again until the wallace court did you?
Q I don't know, I don't remember.
Q Did you drive this fellow away when he came there the first time? A Yes sir I did, we had all we could do to live ourselves, without feeding begging niggers.

Anderson Lynch called and sworn as a witness for the applicant, testified as follows:

Q What is your name? A Anderson Lynch.
Q What is your age? A 64.
Q What is your post office address? A Vinita.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a little boy.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Polina Landrum.
Q Was she a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q Did this applicant go out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A Fort Scott Kansas.
Q Did you see him up there? A Yes sir I seed his mother, and they went from there to Mapleton.
Q Did they go there with you? A Yes sir.

Q Do you know when he returned to the Cherokee Nation? A No sir I dont.
Q When did you first see him here after the war? A Up at Milly Frye's, it was before Christmas in '66.
Q Have you seen him much since? A Saw him several times after that.
Q Was he married then? A No sir.
Q Was he grown? A Yes sir.
Q Do you know his wife now? A No sir.
Q Do you know how often he has been married? A No sir.

By Hastings-

Q You testified for him five years ago? A Yes sir.
Q Who did this applicant come back to the Cherokee Nation with? A I dont know.
Q How long did you see him in '66 just before Christmas? A He was at my house a week, and then went off and I didn't see him after that until I seed him at a dance at Arts, he had been to a dance at Mrs. Frye's too.
Q You never saw him from that time until the Wallace court did you? A Oh yes I seed him several times before that.
Q How much is he giving you to testify in this case? A Nothing as I knows of.
Q Did he promise to give you anything? A Well he said he would give me enough to pay my board and lodging.
Q You don't know who he came here with? A No sir.
Q Did he make your place his home that time? A Yes sir for a week. He was scouting that time.
Q Where did he go from there? A I dont know.
Q Was he married then? A No sir.
Q But he was grown? A Yes sir.

By Commission of the applicant-

Q Is your wife a state woman? A Yes sir.
Q Lizzie is your second wife? A Yes sir.
Q Is your first wife living? A Yes sir.
Q Are you divorced from her? A I went and seed the clerk, he was named Cochran, and he said we didn't need no divorce.
Q Was your present wife ever married before she married you? A No sir.
Q Have you and she lived together continuously since your marriage? A Yes sir.
Q Are these children all living now? A Yes sir.

Hastings-

Q You say the clerk's name was Cockran? A No sir, he was not the Clerk, I don't think, he was Solicitor or something like that.

By Com'r Needles,-

The applicant John May applies for himself and five children, Sophia, Fttie, Minnie, Elmer, Idella for enrollment as Cherokee freedmen, and for his wife Lizzie as a Cherokee freedman by intermarriage. He can not be identified on the authenticated roll of 1880 or the census roll of 1896; he is

identified on the Wallace roll and Kern Clifton roll; the names of none of his children are found on any of the rolls of the Cherokee Nation in the possession of the commission, neither is the name of his wife. He avers that he was a slave, and went out of the Cherokee Nation during the war and returned in 1866; he avers that he was originally married to one Ida Scrimpscher, a Cherokee freedman, but makes no proof of a divorce, he avers that he has since married his present wife, Lizzie, a non citizen by whom he has the five children for whom he now applies. He makes satisfactory proof of residence. Now the said John May and his five children as named herein will be listed for enrollment as Cherokee freedmen on a doubtful card, and his wife Lizzie will be listed for enrollment as a Cherokee freedman by intermarriage on a doubtful card. It will be necessary for him to make satisfactory proof as to the birth of these children, their names not being on any of the rolls; also proof of divorce between himself and his first wife. He will be notified of the final decission of the Commission when the same is arrived at, by mail.

---:---

Chas. Von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he report in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 8th day of July, 1901.

(Signed) T. B. Needles.

Commissioner.

Edith Lewis, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 28th day of June, 1904.

Charles H. Sawyer
Notary Public.

File with John May C.F.D. 828.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T. October 15th 1901.

In the matter of the application of Thomas Archer C.F.D. 901.

Appearances:
James S. Davenport, for the Cherokee Nation.
Mellette & Smith for the applicants.

CLEM V. ROGERS, Being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation;

(By Davenport)

Q What is your name? A Clem V. Rogers.
Q Where do you live? A Claremore.
Q What is your age? A 35.
Q How long have you lived in the Cherokee Nation? A All my life except during the war.
Q Do you know the applicant Thomas Archer? A Yes sir.
Q How long have you know him? A Since '80.
Q Where was he when you first saw him? A Cooweescoowee District.
Q Where were you in '67? A Fort Gibson.
Q Did you have anything to do with the Rogers' Salt works on Grand River in '67? A No sir.
Q Did you go there yourself or with anyone else in '67 and take them away from Thomas Archer or any other person? A No sir, in '67 I was freighting.
Q Did you ever drive him or any one else away from them? A No sir.

(By Mr. Smith)

Q There are several gentlemen that are Cherokee citizens by your name are there not? A Yes sir.
Q It is a prominent name in the history of the Cherokee Nation A Yes sir
Q If Thomas Archer testified that you took the salt works away from him he was mistaken about that? A Yes sir.
Q You don't know when he came back? A No sir.
Q Did you know him before the war? A I don't know that I did.

(By Davenport)

Q There was only one Clem Rogers in the Cherokee Nation in '67 that was a grown man? A I didn't know of any other at that time, there is several now.

-:-:-:-:-:-:- * *

This will be filed in Cherokee Freedman cases, D-901, D-1002; D-485; D-497; D-486; D-484; D-488; D-489; D-490; D-491; D-828; D-950; D-564; and D-565.

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Chas. von Weise, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise

Subscribed and sworn to before me this the 17th day of October 1901.

(Signed) T. B. Needles,
Commissioner.

Edith Lewis, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 21st day of June 1904.

Chas. H. Lawyer
Notary Public.

Supl. C.F.-D.#828.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of John May et. al., as Cherokee Freedmen; introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. B. T. Brown, Agent for applicants;
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

R.R.JENNESS, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A R. R. Jenness.
Q Where do you live, Mr. Jenness? A Chandler, Oklahoma.
Q How old are you? A 56 years old.
Q Where did you live, before you moved to Chandler, Oklahoma?
A I lived at Ottawa, Franklin County, Kansas.
Q How long did you live in Franklin County, Kansas? A I moved there in '57 the winter of '57 and '8.
Q Well, during the time you lived there were you connected with the public affairs in any way? A I was Sheriff of that county four terms.
Q How long did each term hold? A Two years at a time.
Q When were you first elected? A In November, '66; I took possession of the office in January '67.
Q Well, during the time you were in the Sheriff's office there, I will ask you if you became acquainted with a colored man that went by the name of Callis May, or Callis West or Callis Landrum?
A Yes sir.
Q Well, about when did you become acquainted with him, after you went into office? A In the late summer of '67.
Q You were in the Sheriff's office first and last up until about what year? A '76, that is with the intervention of two years that another man, two years between my terms.
Q Well, during your term of office state as nearly what you can what you knew about Callis West? A Well, I think he was first about me, in my possession in the jail.

Mr. Brown: The question is objected to on the ground that if he was ever held in custody by this man as Sheriff in Kansas, it is a matter of record and the record is the best evidence.

Witness: I will state he was in jail a number of times in '67 and '68 for minor offenses, pettit larceny.
Q When was the last time you knew him in Kansas, Mr. Jenness?
A. He was in jail in '74.
Q What makes you think you had him there or he was there to your knowledge in that county in 1874? A My youngest son was born on the 30th day of July, 1874, we lived, the family lived in the upper part of the jail, and Callis May made a great deal of noise and annoyed my wife very much, and I went to him and talked

to him a number of times and tried to get him to keep quiet, this time I recollect him distinctly.
Q Well during the time you were in the Sheriff's office there up until 1876 when you went out the last time you held the office, about how often would you see Callis around there? A I saw him in the hall and in the town every few weeks, there were quite a hard crowd of colored boys he ran with, he was then about 12 or 13 years old at that time.
Q That is when you first went into theoffice? A Yes sir, and I used to see him every week or so.
Q Do you know whetherhe had a family or not, or his father and mother living there at the time? A I haven't a very clear recollection about that, but I think his mother was there.
Q What name did you know him by up there? A Callis May.
Q You never knew him by John his rank name? A No sir.
Q Have youseen him after you went out of the office there in '76?
A No, sir, I don't think I have, not that I know of.
MR. BROWN: What makes you think his mother was there?
A Because he had a family there; he lived with a family, my recollection ain't very distinct, I can't remember very much about it.
Q What makes you think his mother was there? A Because he went what he called home, and I have an indistinct recollection of his speaking of his mother.
Q Were you acquainted with the surrounding country? A Yes sir.
Q Now, tell me where his mother lived? A I can't tell you, she lived in the town.
Q Your home at that time was in Ottawa? A Yes sir.
Q And you were Sheriff in that country? A Yes sir.
Q And well acquainted at that time with the residents there?
A Well, pretty much.
Q It was a small place at that time? A Yes sir, not very large.
Q Now, tell me in what part of town this Callis May you speak of and his mother you recollect seeing? A I don't remember seeing his mother.
Q Where did he live? A I don't know.
Q Where was he at when he was not in jail? A I saw him on the street.
Q You lived in the town of Ottawa? A Yes, sir.
Q And you can't state in what part of the plane this man lived?
A No, sir, there was lots of darkies, I didn't know where they lived
Q When did you first meet him? A In '67; in the spring of '67.
Q How do you fix the date? A Because I met him soon after I took possession of the office, of the Sheriff's office.
Q Do you remeber every 12 or 13 yearsold that you had in custody during the time you were Sheriff, as you say from '67 until '74?
A No, sir, I don't suppose I do.
Q Where was Callis May in the year 1866? A I don't know anything about that; I don't think I ever got acquainted with him until he was put in th the jail in '67.
Q Do you mean to be understood as testifying that Callis May lived in and about Ottawa, Kansas, from '67 up until '74? A Yes sir.
Q There every day? A I don't know about that, I saw him there every few days.
Q Might he have been gone a year and you not have known it?
A Yes sir.

Q He might have been gone two years in which you were out of service? A No, I remember seeing him.
Q You remember seeing him very distinctly do you? A I am not positive as to dates, but I saw him occasionally all the time.
Q Don't you know as a matter of fact that this John May of whom you are testifying has had a continuous residence in the Cherokee Nation since 1862? A No, sir, I don't know any such.
Q Are you prepared to say that this not true? A I don't know anything about it.

MR. DRAVENPORT: You know the boy, Callis May, was there off and on while you were holding the Sheriff's office there and had him in jail off and on there? A Yes, sir.

Mr. BROWN: You had him in jail once in 1867 and once in 1868 and once in 1874? A I think I had him in jail several time in 1868.
Q And you didn't have him in jail from 1868 until 1874? A I don't know.
Q Do you know where he was from 1868 until 1874? A I know he was in Ottawa.
Q He was there all the time? A I don't know about all the time.
Q You d-n't know where he was in '66? A No, sir.

MR. DAVENPORT: You are Postmaster at Chandler, Oklahoma, aren't you, Mr. Jennessa? A Yes sir.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 21st, 1901.

(Signed) T. B. Needles,
Commissioner.

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 21st day of June 1904.

Charles Lewis
Notary Public.

Joe 6

WALCHE & PARKER

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT. 29, 1901
Trans. Division

HOLYOKE, MASS. U.S.A. 1900

Before John [illegible]

[illegible] of the Interior
[illegible] to the Five Civilized [illegible]
[illegible], I. T. October, 25th, 1901.

Supplemental testimony in the matter of the application of David Martin C. R. N. [illegible]

Appearances:
James S. Davenport for the Cherokee Nation.
McBride & Smith for the applicants.

H. C. HARFORD being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport.)

Q What is your name? A H. C. Hartford.
Q Where do you live? A Ottowa, Franklin County, Kansas.
Q How old are you? A 44.
Q How long have you lived in Ottowa Kansas? Since 1888.
Q Since you have been living in Ottowa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.
Q When did you become acquainted with him? A In the summer of 1[illegible] I met him on the street.
Q How long after you became acquainted with him did David Martin reside at Ottowa or near there, or about how long? A David Martin lived at Ottowa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time. I missed him for a while and saw him for a while; he would be gone a good deal, where he went I of course don't know.
Q Did he have a family there? A Yes sir.
Q You say you met him this morning? A Yes sir.
Q Did you recognize him as the David Martin that you knew up there? A Yes sir. I did.
Q Did he recognize you? A He didn't for a while, after he started he finally made up his mind who I was.

(By Smith.)

Q What time did you first know David Martin? A To the best of my knowledge it was in '87. I got acquainted with David Martin when I had been there a couple of years.
Q How old were you then? A I guess I was about 21 years old.
Q How old was David Martin then? A I don't know.
Q Was he a man? A Yes sir he was a man grown when he came there.
Q You are not sure as to the year you met him in? A I can't positively swear as to the year. I know he came there about a year and a half or two years after I came.
Q That is as long as you can remember after that length of time? A Yes sir.
Q You say he was there some of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.
Q You didn't see his family? A Yes sir.
Q Where? A In Ottowa there. I know one of his daughters, the oldest one.

This will be filed in the original case and also in C. R. D. 486 and the sub-references thereto.

Chas. von Wise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 26th of October, 1901.

Chas. von Wise

Commissioner.

Supl. C.F.D.#828

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T. OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JOHN MAY as a Cherokee Freedman; introduced on part of the Cherokee Nation.

APPEARANCES:
Mr. L. T. Brown, Agent for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

H.C. HARFORD, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A H.C. Harford.
Q Where do you live Mr. Harford? A Live in Ottawa, Franklin Co. Kansas.
Q How long have you lived there? A Since the spring of '66.
Q Since you have been living in Ottawa did you get acquainted with a colored man by the name of May? A Yes sir.
Q Do you know what his first name was? A He went by the name of Callie May there?
Q When did you first get acquainted with him? A I think it was in 1866, or spring of 1866.
Q Where was he living at the time, if you know? A Well, sir, he just lived from house to house, he had no regular home there in the town.
Q How long did you know him there at Ottawa? A He was there the most of the time for four or five years.
Q Do you know where he is living now? A No sir.
Q. How long since you saw Callie May? A It has been about 14 of 15 years ago; he was up there to our town I saw him.

MR. BROWN: When did you first meet him, Mr. Harford,
A I think it was in the spring of '66.
Q Now wasn't it in the spring of '67? A Well, I could not say positive but I don't think it was.
Q What makes you think it was not? A Because he came there a short time after I did and I went there in 1866.
Q Now is there anything that impresses his coming there on your mind? A Nothing particular.
Q It might have been in the spring of 1867? A I don't think it was; it could not have been two years after I went there.
Q Do you remember everybody you met in 1866? A I remember the boys I used to run with.
Q You and Callie used to run together? A Yes sir.
Q Were you running together when Mr. Jenness had him? A Mr. Dick Jenness; the Sheriff?
Q Yes? A No, sir, he was running from Dick and I was keeping out of his way.
Q Where was Callie, say from July 1866, until about February, 1867?
A July, '66 to February '67; well, sir, I would not tell you just where he was; I think he was about Ottawa there, out and in.
Q Well, how much was he out? A I expect he was gone, as near as I can recollect, about half of the time.

Q Now, if Mr. Jenness swore that Callis came to Ottawa in the Summer of '67, he is mistaken isn't he? A I don't know whether he is or not; I maybe mistaken but then I don't think I was.
Q Is that a fact or not? A Which?
Q That he came therein the Spring or Summer of 1867 A I could not tell you; my judgment is he came there in the spring or summer of '66.

Commissioner: This testimony will be made part of the record in the case

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly record the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J.O. Rosson.

Subscribed and sworn to beforme this October 31st 1901.

(Signed) T. B. Needles,

Commissioner.

Edith Lewis, being first duly sworn, states, that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 24 day of June, 1904.

Chas. H. Jones
Notary Public.

Supl. S.F.D.[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T. OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JOHN MAY as a Cherokee Freedman; introduced on part of the Cherokee Nation.

APPEARANCES:
Mr. L. T. Brown, Agent for applicant.
Mr. Davenport, of Counsel for Cherokee Nation.

H.C. [redacted] being duly sworn by Commissioner Needles, testified [redacted] on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A H.C. Harford.
Q Where do you live Mr. Harford? A Live in Ottawa, Franklin Co. Kansas.
Q How long have you lived there? A Since the spring of '65.
Q Since you have been living in Ottawa did you get acquainted with a colored man by the name of May? A Yes sir.
Q Do you know what his first name was? A He went by the name of Callie May there?
Q When did you first get acquainted with him? A I think it was in 1866, or spring of 1866.
Q Where was he living at the time, if you know? A Well, sir, he just lived from house to house, he had no regular home there in the town.
Q How long did you know him that at Ottawa? A He was there the most of the time for four or five years.
Q Do you know where he is living now? A No sir.
Q How long since you saw Callie May? A It has been about 14 or 15 years ago; he was up there in our town I saw him.

MR. BROWN: When did you first meet him, Mr. Harford,
A I think it was in the spring of '66.
Q Now wasn't it in the spring of '67? A Well, I could not say positive but I don't think it was.
Q What makes you think it was not? A Because he came there a short time after I did and I went there in 1865.
Q Now is there anything that impresses his coming there on your mind? A Nothing particular.
Q It might have been in the spring of 1867 A I don't think it was; it could not have been two years after I went there.
Q Do you remember everybody you met in 1866? A I remember the boys I used to run with.
Q You and Callie used to run together? A Yes sir.
Q Were you running together when Mr. Jenness had him? A Mr. Dick Jenness, the sheriff?
Q Yes? A No, sir, he was running from Dick and I was keeping out of his way.
Q Where was Callie, say from July 1866, until about February, 1867?
A July, '66 to February '67; well, sir, I could not tell you just where he was; I think he was about Ottawa there, out and in.
Q Well, how much was he out? A I expect he was gone, as near as I can recollect, about half of the time.

Q Now, if Mr. Jennings swore that Collins came to Ottawa in the summer of '67, he is mistaken isn't he? A I don't know whether he is or not; I maybe mistaken but then I don't think I was. Q Is that a fact or not? A Which?
Q That he came therein the Spring or summer of '67? A I could not tell you; my judgment is he came there in the spring or summer of '66.

Commissioner: This testimony will be made part of the record in the case.

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly record the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J.O. Rosson.

Subscribed and sworn to beforeme this October 31st 1901.

(Signed) T. B. Needles,
Commissioner.

Edith Lewis, being first duly sworn, states, that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 28th day of June, 1904.

Charles H. Lawson
Notary Public.

Cherokee Freedman
D-828

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Lizzie May, as a citizen by intermarriage of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on June 24, 1901, John May appeared before this Commission at Nowata, Indian Territory, and made application for the enrollment of himself, his five minor children, Sophia, Ettie, Minnie, Elmer and Idella May, as Cherokee Freedmen, and for the enrollment of his wife, Lizzie May, as a citizen by intermarriage of the Cherokee Nation.

It appears from the records of the Commission that on March 11, 1904, the Commission rendered its decision denying the applications of John May, Sophia May, Ettie May, Minnie May, Elmer May and Idella May, as Cherokee Freedmen, which decision was, on June 16, 1904, approved by the Secretary of the Interior.

The record herein shows that Lizzie May claims her right to enrollment by virtue of her marriage to John May, an alleged Cherokee Freedman, whose rights as such were, as above set forth, denied by this Commission.

The record further shows that Lizzie May makes no claim for enrollment as a citizen of the Cherokee Nation other than by intermarriage.

It does not appear that Lizzie May is identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that she has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Welcome, (I.T.D.5248-1904, 11776-1904), the application made for the enrollment of Lizzie May, as a citizen by intermarriage of the Cherokee Nation, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

(SIGNED). C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,
MAR 15 1905

Cherokee Freedman D 826.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John May and his minor children, Sophia, Ettie, Minnie, Elmer, Idella and Nellie May, as Cherokee Freedmen.

D E C I S I O N .

The record in this case shows that on June 24, 1902, John May appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Sophia, Ettie, Minnie, Elmer and Idella May, as Cherokee Freedmen. The application also included his wife, Lizzie May, who claims right to enrollment as a Cherokee Freedman by intermarriage, but her rights are not adjudicated in this decision. Subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Nellie May on March 6, 1902. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 16 and 23, 1902. Copies of the testimony taken at various times in the cases of Thomas Archer, Cherokee Freedmen D 961, and David Martin, Cherokee Freedmen D 486, are made a part of the record herein.

The evidence in this case shows that the applicant, John May, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that the other applicants herein are the children of said John May and were born since 1866; and that they have no rights to enrollment except such as they may have derived through their father.

It does not appear that any of the applicants herein are identified upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of John May, Sophia May, Ettie May, Minnie May, Elmer May, Idella May and Nellie May as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 11 1906

DEPARTMENT OF THE INTERIOR
COMMISSION FOR [illegible] TRIBES
OCT 16 1901
ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita I.T. 10/16/01

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of John May et al for enrollment as Cherokee Freedmen.

Louis T. Brown
agent for applicant

No. F.D. 878.

F. D. 828

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190....

Given under my hand this ....

day of ..... A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned ~~attorney~~ agent for the within named applicant, hereby accept service of the within notice on this the 22 day of Oct, 190 1.

Louis T. Brown

~~Attorney~~ agent for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

---

12 10828

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 23 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Calhis May.
for enrollment as Cherokee Freedmen:
Case No. F. D. 828
To ~~Dallas~~ John May, or to L. T. Brown, his agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 28, 1901, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 22, 1901.

L B Bell

W. W. Hastings
Jas. S. Davenport

Attorneys for the Cherokee Nation.

F. D. 828

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 16 day of Oct, 1901.

Lorenzo Brown

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the.....day of..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the 16 day of Oct, 1901.

Lorenzo Brown

Agent for applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 16 1901

Acting Chairman

NOTICE!

IN THE MATTER OF the application of John May, et al.
for enrollment as Cherokee Freedmen:
Case No. F. D 828 J Bennett
To John May, or to ~~L. P. Bladsoe~~, his attorney:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 16, 1901, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 16th, 1901.

L B Bell

W. W. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of John May for enrollment as a Cherokee Freedman.

No. F. D. 828

Henry Pack, of lawful age, being duly sworn on oath states that on the 18 day of September, A. D., 1901, he registered to John May whose postoffice is Coffeyville, Kan. Indian Territory, notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 23 day of September, 1901, he received the return card which is hereto attached, signed by the said John May, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 23 day of Sept. A. D. 1901.

J. C. Starr
Notary Public.

MY COMMISSION EXPIRES
MAY 20th, 1902.

[illegible] ATTORNEY,
[illegible]TIONED NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 1901

Given under my hand this .....

day of .....A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

.....day of....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the .....day of.....A.D.1901

.....

Subscribed and sworn to before me

this .....day of.....A.D.1901.

.....
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 23 1901

NOTICE!

IN THE MATTER OF the application of John May for enrollment as a Cherokee citizen:

Case No. D 828

To John May Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on Oct. 26 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 17 1901.

L. B. Bell

N. W. Hastings

Attorneys for the Cherokee Nation.

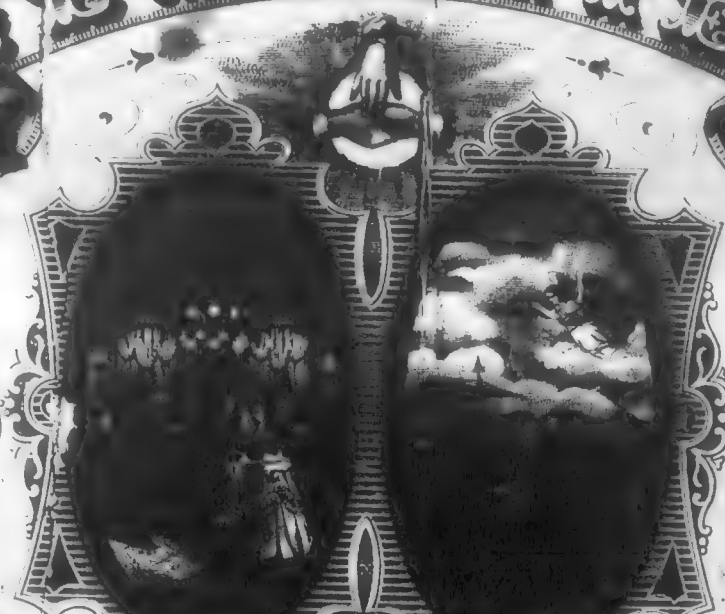
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 26 1901

ACTING CHAIRMAN.

CERTIFICATE OF MARRIAGE

EXPRESS IMAGES



John Ney
of the Mormon
Church of Jesus C. of L. D. S.

AND

Miss Lizzie Webster
of the United
States of America

WERE UNITED IN

BY MARRIAGE

ME

According to the LAWS of the STATE of Indiana Lorin at her home
on the 7 day of April in the year of OUR LORD.
One Thousand, Eight Hundred 1874

WITNESSES
Mr Tobe Lunsey
Mr Lunsey

Mr Rev. Joseph Smith

Published by John Gibson.

Entered according to act of Congress in the year 1873 by John Gibson in the office of the Librarian of Congress at Washington

82 Beekman St New York

FILED
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. John May,
Coffeyville, Kans.,
Cherokee-F-D-828.
Register.

67 3D826

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 24 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 24 1901

Post Office Tyfey ville, Ks.

District Geo

1. Name John May Age 46

Owner's name Pauline Landrum Citizenship Cherokee

Year KL Page 101 No. 25-24 District

Parents:

Father Reuben May - dead Citizenship

Mother Sophia " - dead Citizenship

2. Name of wife Lizzie May Age 30

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Doubtful

Names of Children:

3. Sophia May Year 76 Page 178 No. 4368 Dist. 7

4. Ettie " Year Page No. Dist. 6

5. Minnie " Year Page No. Dist. 4

6. Elmore " Year Page No. Dist. 5

7. Estella Year Page No. Dist. 16 mos

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by No. 1 Stenographer Chas. von Gonse

1 On KL. roll as Callie May or Landrum

1 " Wallace roll, Page 120 #25-24 - Callie M. Landrum

Delaware Dres

#4, 5, 6 and 7 Birth affidavits required

#3 on N.C. Roll as Sophronia Landrum

MD4

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee F.D-628

Muskogee, Indian Territory, March 15, 1904.

John May,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting your application for the enrollment of yourself and your six minor children, Sophia, Ettie, Minnie, Elmer, Idella and Nellie May, as Cherokee Freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. V-14

COPY

Cherokee F. D-826.

Muskogee, Indian Territory, March 15, 1904.

Louis T. Brown,

Attorney for John May, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11,1904, rejecting the application of John May for the enrollment of himself and his six minor children, Sophia, Ettie, Minnie, Elmer, Idella and Nellie May, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Commissioner in Charge.

Register.

Enc. V-18.

COPY.

Cherokee F.D-828.

Muskogee, Indian Territory, March 15, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the application of John May for the enrollment of himself and his six minor children, Sophia, Ettie, Minnie, Elmer, Idelia and Nellie May, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

L. Neville

Commissioner in Charge.

Enc. V-16.

COPY.

Cherokee F.D-328

Muskogee, Indian Territory, March 15, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John May for the enrollment of himself and his six minor children, Sophia, Ettie, Minnie, Elmer, Idella and Nellie May, as Cherokee Freedmen, including the Commission's decision, dated March 11, 1904, rejecting said application.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. V-27.

(COPY)

Refer in reply to the following:
Land,
18487-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, a report from the Commission to the Five Civilized Tribes, dated March 15, 1904, transmitting the record of the application of John May for enrollment of himself and his six minor children, Sophia, Ettie, Minnie, Idella and Nellie May as Cherokee Freedmen.

March 11, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, John May, was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the war he was taken out of the Cherokee Nation; that he returned at various times, and for short periods prior to February 11, 1867, largely as a fugitive from justice; that he did not establish a residence in the Cherokee Nation on or before February 11, 1867.

The other applicants are shown to be the minor children of John May and were all born since February 11, 1867, and have no rights to enrollment except such as they derive through their father.

None of the applicants are identified upon the 1880 authenticated Cherokee Roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.M.M.

E.

(C O P Y)

D.C. [illegible]. J.P.

DEPARTMENT OF THE INTERIOR, [illegible]

WASHINGTON.

I.T.D. 2660-1904.

L.R.S. June 16, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 15, 1904, you transmitted the record in the matter of the application of John May for the enrollment of himself and his six minor children, Sophia, Ettie, Minnie, Elmer, Idella and Nellie May, as Cherokee freedmen, including your decision of March 11, 1904, rejecting said application.

Reporting in the matter June 11, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure:

Cherokee Freedman

D. 828.

Muskogee, Indian Territory, June 25, 1904.

W.W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated March 11, 1904, rejecting the application of John May, for the enrollment of himself and his six minor children, Sophia, Ettie, Minnie Elmer, Idela and Nellie May, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Chairman.

Cherokee Freedmen

D. [illegible]

Muskogee, Indian Territory, June 20, 1906.

Louis T. Brown,

Agent for John Ray et al.,

Vinita, Indian Territory.

Dear Sir:

You are advised that the Commission's decision, dated March 12, 1906, rejecting the application of John Ray, for the enrollment of himself and his six minor children, Sophia, Ettie, Minnie, Elmer, Idella and Nellie Ray, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 18, 1906.

Respectfully,

Chairman.

MDG

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
W. BRECKINRIDGE
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman

D. 828.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 25, 1904.

John May,

Muskogee, Indian Territory,

Dear Sir:

You are advised that the Commission's decision, dated March 11, 1904, rejecting your application for the enrollment of yourself and your six minor children, Sophia, Ettie, Minnie, Elmer, Idela and Nellie May, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedman
B-23.

Muskogee, Indian Territory, October 5, 1904.

John May,

Claremore, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of September 24, relative to your enrollment as a Cherokee freedman. You enclose ticket of admission to the Cherokee Land Office, which is herewith returned.

In reply you are advised that on June 16, 1904, the Secretary of the Interior affirmed the Commission's decision of March 11, 1904, rejecting the application for the enrollment of yourself and your six minor children as Cherokee freedmen. In this connection you are advised that the Commission, on June 25, 1904, addressed a letter to you at Muskogee, Indian Territory, advising you of the Department's action in this case.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. B-23.

COPY.

C.F.D. 828.

Muskogee, Indian Territory, March 15, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, rejecting the application for the enrollment of Lizzie May, as a citizen by intermarriage of the Cherokee Nation .

The decision, together with the record of proceedings had in the matter of said application, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

(SIGNED) Chairman.

Enc. JD 7-15

COPY.

Cherokee Freedmen
D-828.

Muskogee, Indian Territory, March 15, 1906.

Lizzie May,

Coffeyville, Kansas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission, dated March 15, 1906, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been forwarded your attorney, Louis T. Brown, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has, this day, been forwarded him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior, for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Register:
Enc. JD 8-18

COPY.

C.F.D. [illegible]

Muskogee, Indian Territory, March 18, 1905.

Louis T. Brown,

Attorney for Lizzie May,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 18, 1905, rejecting the application for the enrollment of Lizzie May, as a citizen by intermarriage of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the matter has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Enc. JD 6-15

Register

COPY.

C.F.D.828.

Muskogee, Indian Territory, March 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:-

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Lizzie May, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated March 15, 1905, rejecting said application.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Through the

Commissioner of Indian Affairs.

Enc. JD 8-15

W. C. F.
FHE.

DEPARTMENT OF THE INTERIOR,

D. O. 20876-1905.
I. T. D. 3080-1905.

WASHINGTON, APRIL 13, 1905.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 15, 1905, you transmitted the record in the matter of the application for the enrollment of Lizzie May as a citizen by intermarriage of the Cherokee Nation, including your decision of the same date, rejecting said application.

Reporting March 24, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
21280-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, MARCH 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 16, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation by Lizzie May.

March 15, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant claims right to enrollment by virtue of her marriage to John May, an alleged Cherokee freedman, and makes no other claim.

It is further shown that on June 16, 1904, the Department approved the decision of the Commission rejecting the claims of the said John May to enrollment as a Cherokee freedman.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.N.
W.

COPY

Cherokee Freedman

D-828.

Muskogee, Indian Territory, April 28, 1908.

Louis T. Brown,

Attorney for Lizzie May,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 18, 1908, rejecting the application for the enrollment of Lizzie May as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 18, 1908.

Respectfully,

Tams Bixby

Chairman.

COPY.

Cherokee Freedmen

D-825.

Muskogee, Indian Territory, April 29, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 15, 1905, rejecting the application for the enrollment of Lizzie May as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 18, 1906.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-836.

Muskogee, Indian Territory, April 29, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 15, 1905, rejecting the application for the enrollment of Lizzie May as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 18, 1906.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. SCRACHERIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen

D-828.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 29, 1905.

Lizzie May,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated March 15, 1905, rejecting the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 18, 1905.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman

R 336

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 28, 1906.

John May,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the motion filed September 7, 1905, by your attorneys for review in your Cherokee freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

Wm. O. Beall

Acting Commissioner.

WOB

Cherokee freedmen
E 455, et al.

Muskogee, Indian Territory, May 28, 1906

Hall, Hastings & Davenport,
Attorneys for Cherokee nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the petitions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of June 2, 1904, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMP:

Commissioner

Southern Pacific
R. [illegible] et al.

[illegible], Indian territory, [illegible] 20, 1906

Wise & Delper,
Attorneys for Joseph Brown, et al.
[illegible], Indian territory.

Gentlemen:

You are hereby advised that the petitions filed September 7, 1906, by you, in the Choctaw Freedman enrollment cases of Joseph Brown, and others named in the Department's letter of [illegible] 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

[illegible]

[illegible]
Enclosure [illegible]

2009-1907.
C F R 322

Muskogee, Indian Territory, July 26, 1907.

Honorable Dick McGuire,
Purcell, Oklahoma.

Dear Sir:

I am in receipt, on July 24, 1907, of a letter dated July 15, from Honorable Charles Curtis inclosing your letter, dated July 11, asking to be advised relative to the status of the Cherokee freedman citizenship of John May. Mr. Curtis requests that you be advised what the records of this office show in reference to this applicant.

In reply you are advised that the application of John May for the enrollment of himself and children as Cherokee freedmen was denied by the Commission to the Five Civilized Tribes on March 11, 1906, and that the Commission's decision was approved by the Department on June 16, 1906.

Respectfully,

MCL.

Commissioner.

1002-1907
C T R 288

Muskogee, Indian Territory, July 24, 1907.

Honorable Charles Curtis,
Topeka, Kansas.

Dear Sir:

I am in receipt of your letter dated July 15, 1907, inclosing a letter from Honorable Bird McGuire asking information relative to the citizenship status in the Cherokee Nation of John Ray, an applicant for enrollment as a Cherokee freedman.

As requested by you Mr. McGuire has this day been advised what the records of this office show in reference to said applicant.

Respectfully,

GEM

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

5562

M. John May,
Coffeyville, Kansas.

RETURN TO WRITER.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE MAY 29 1906 IND. T.

GENERAL DELIVERY, MAY 29 1906

Reclaimed

PENALTY FOR PRIVATE USE

GR-388

John May,
Coffeyville, Kansas.

COFFEYVILLE KANS JUL 6

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
MAR 16 1904
MUSKOGEE, IND. TER.

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RE. MAR 3 MUSKOGEE

John May,
Coffeyville, Kansas.

RETURN TO WTR.

730

APR 19 1904

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
APR 29
7 — P
1905

VALID FOR PRIVATE USE

RETURN TO WRITER

Delivery
1905

COFFEYVILLE, KANS.
MAY 10
1905

Lizzie May,
Coffeyville, Kansas.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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VALID FOR PRIVATE USE

RETURN TO WRITER

John May,
Muskogee,
Indian Territory.

Afar must State
No 1=

By John May

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

REGISTRY DIVISION,
MAR 16 1905
MUSKOGEE, IND. TER.

APR 19 1905

Lizzie May,
Coffeyville, Kansas.

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marriage cert.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Cher. Fr. R. 359

See Cher. Fr. 358, R. 294

Cher. Fr. R. 359

Q do you know Ellen Roberts? A Yes sir , I am acquainted with her.
Q How long have you known her? A I have been knowing her about 19 or 20 years.
Q You didn't know her at the close of the war? A No sir.
Q You only knew her 19 or 20 years ago? A Yes sir.
Q She's been living here ever since then? A Yes sir.

Mr. W. Wl. Hastings,-
Q Where did she come here when you first met her? A She was living near Melvin when I first came here.

Commissioner to applicant-
Q Your owner Ellis Tower is dead? A Yes sir.

The 1896 roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

The Kerns-Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The name of Ellen Roberts is not found upon the authenticated roll of 1880. [illegible] the rolls in the possession of this Commission at the [illegible] avers she is a slave and entitled to be enrolled as a Cherokee [illegible]man, but satisfactory proof is not made as to her citizenship [illegible] satisfactory proof is made of her residence, consequently the final judgement as to her case will be suspended and she will be placed upon a doubtful card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. F. Rothenberger,

Subscribed and sworn to before me this 13th day of April, 1901

(Signed) T. B. Needles
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly transcribed the foregoing from the original copy.

To be filed with Nellie Parris, F. D. 86

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Ft? Gibson, I.T., April 12, 1901.

In the matter of the application of Ellen Roberts for enrollment as a Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ellen Roberts.
Q How old are you? A I don't know how old I am.
Q About how old? A I think along in forty somewhere.
Q What is your postoffice? A Melvin.
Q What district do you live in? Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled as a Freedman of any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Did you ever draw any money? A Yes sir.
Q What was it you drew? A The Wallace money.
Q Id your name on the roll of 1880? A I don't know, I reckon it is.
Q Did you draw money that is known as the strip payment? A That is all I drawed.
Q How much money was it you drew? A I don't know, I am forgetful.
Q When was that? A I don't know.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

Q Were you a slave? A Yes sir.
Q What was your owner's name? A Ellis Towers.
Q He living? A No sir. I think he's dead.
Q You know where you were at the beginning of the war between the United States and the Confederacy? A Yes sir.
Q Where? A They sent us out in the States; they hired us out.
Q What state? A In Missouri, and then we came back home, and then they sent us to Texas.
Q When did you return from Texas? A The first year after peace.
Q Were you sold to anybody in Texas? A No sir.
Q Where was your master at that time- your owner? I don't know where he was.
Q Did you ever see him afterwards? A Yes sir.
Q Where? A In Saline District.
Q Have you been living in the Cherokee Nation ever since that time? A Yes sir.
Q Why is your name not on the roll of 1880? A I don't know sir.

By J. S. Davenport, representative of the Cherokee Nation.
Q When did you come back from the South you say? A The first year after peace.
Q You know what year that was? A No sir, I don't.
Q Whom did you come back with? A My brother brought me back here.
Q Was there anyone else along? A He said- He was older than me and he said it was Bell's wagons.
Q Which Bell? A I dont know that.
Q Was it Col. Jim Bell? A I don't know.
Q Didn't you testify before that you came back with Jim Bell? A I don't know whether I did or not; I don't think I did.
Q Didn't you say you come back in '66? A No sir, you never did hear me say that.
Q When you came back to what point in the Cherokee Nation did you go?
Q We stopped at Bob Daniels up here on the road where Johnson Thompson used to live, I reckon.

Q Did you see Col. Bell afterwards when you got big enough? A I don't know.
Q You staid in the Creek Nation quite a while? A Yes sir, one year that is all.
Q After you come back from the South, you stopped in the Creek Nation a year? A No sir.
Q You were acquainted with Bass Harlan at that time? A Yes sir.
Q You saw Bass Harlan when you lived over in the Creek Nation a year? A No sir, I live near Bass Harlan now.
Q You come back to the Cherokee Nation in February? A I don't know, I can't say that.
Q You don't know when you got back? A No sir.
Q What year? A I don't know.
Q You know whether it was '67 or '68? A No sir.

Commissioner-
Q You say you come back a year after peace was made? A Yes sir.
Q You got witnesses here that knows you? A Yes sir.

By W. W. Hastings-
Q Whom did you live with when you first come back here? A My mother.
Q What was her name? A Nellie Lynch.
Q Didn't you testify before that you lived with Mose Hardridge the first year? A No sir.
Q Did you ever live with Mose Hardridge? A I don't know who you are talking about.
Q Did you live with any Hardridge? A No sir.

Commissioner-
Q You always went by the name of Ellen? A Yes sir.

By W. W. Hastings-
Q Who took you South? A I don't know.
Q That man from Missouri? A No sir.
Q You don'tknow whom you went south with? A No sir.

Darkis Buffington, being sworn and examined by Commissioner T. B. Needles testified as follow s:
Q What is your name A Darkis Buffingto n.
Q How old are you? A I am about 70 years old.
Q What is your postoffice? A Melvin.
Q Are you a Cherokee Freedman? A Yes sir, never was nowhere else.
Q You know Ellen Roberts? A Yes sir, I knowed her when she was a little girl; when I knowed her she belong to Ellis Towers; I have been to the house to see them, and her mother was named Ellen; that was a servant of Ellis Towers too.
Q When did you see her after the war between the United States and the Confederacy? A It was a good while afterwards.
Q Several years? A No it wasn't many years; it wasn't two or three days of course, but I couldn't tell you how long it was. We didn't know this judgement day was coming.
Q You don't know how long after the war it was, whether it was one year or two? A No sir, I couldn't sat that. If I had known that this was coming I could have kept count.
Q You knew her as a slave of Towers? A I knowed she was a slave of Towers.
Q Was she born in the Cherokee Nation? A Born in the Cherokee Nation, and her mother was a servant of the Cherokee Nation.
Q Her name does not appear on the roll of 1880, do you know the reason why? No si r, I couldn't tell you.

Ann Perry being sworn and examined by Commissioner T. B. Needles testified as follows:
Q What is your name: A Ann Perry.
Q How old are you 48.
Q What is your postoffice? A Melvin.
Q Are you a recognized Freedman? A Yes sir.

Q do you know Miler Roberts? A Yes sir, I am acquainted with her.
Q How long have you known her? A I have been knowing her about 19 or 20 years.
Q You didn't know her at the close of the war? A No sir.
Q You only knew her 19 or 20 years ago? A Yes sir.
Q She's been living here ever since then? A Yes sir.

Mr. W. W. Hastings,-
Q Where did she come here when you first met her? A She was living near Melvin when I first came here.

Commissioner to applicant-
Q Your owner Ellis Tower is dead? A Yes sir.

The 1896 roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

The Kerns-Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The name of Miler Roberts is not found upon the authenticated roll of 1880, nor any of the rolls in the possession of this Commission at this time, she avers she is a slave and entitled to be enrolled as a Cherokee Freedman, but satisfactory proof is not made as to her citizenship, satisfactory proof is made of her residence, consequently the final judgement as to her case will be suspended and she will be placed upon a doubtful card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. F. Rothenberger.

Subscribed and sworn to before me this 13th day of April, 1901

(Signed) T. B. Needles
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly transcribed the foregoing from the original copy.

W. C. Kaufman

7856

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 15 1901

ACTING CHAIRMAN.

SUPPLEMENTAL: In D 57 and D 58, Cherokee Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1907.

In the matter of the application of Ellen Roberts and of Nellie Parris, for enrollment as Cherokee Freedmen, (D 56-7) Ellen Roberts, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ellen Towers.
Q How old areyou? A I don't know my age.
Q Well, about how old? A About 40 some where.
Q What is your post-office? A Melvin.
Q What district do you live in? A Tahlequah District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you always been recognized as a Cherokee Freedman? A Yes sir I reckon I have.
Q Is your name upon the authenticated roll of 1880? A I don't know.
Q You never applied to be enrolled by any other nation or tribe?
A No sir.
Q Who do you want to enroll besides yourself? A Just myself; my daughter is grown.
Q Is your name upon any of the rolls of the Cherokee Nation?
A Yes sir.
Q Did you draw any money? A Yes sir.
Q Did you drew what is known as the Cherokee Strip money? A No sir.
Q Did you apply to draw it, did you? A Yes sir.
Q And you were refused? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and name of applicant not identified thereon.

Q Your name is not on any of the rolls? A I don't know.

Examined by Cherokee Representative, W.W.Hastings:

Q Did you apply to the Kerns-Clifton Commission five years ago for enrollment? A Towers; Roberts,-that is my name now; I have been here before.

By Commissioner Needles:

Q What do you want now? A You told me to bring some witnesses.
Q Have you got them? A Yes sir.

AMY BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Amy Bean.
Q How old are you? A 25
Q What is your post-office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q You know Ellen Roberts? A Yes sir.
Q Was she a slave before the war? A I don't really know; I was always told she was a slave.
Q Who was you told-- you heard she was a slave? A Yes sir.
Q Who did you hear she belonged to? A I heard she belonged to Towers.
Q Do you know whether she wasout of the Cherokee Nation during the war? A No sir.
Q You know where she wasin '86? A No sir.
Q When did you first know her? A I don't know exactly how long ago.
Q Way along since the war though? A Yes sir, since the war.

Ellen Roberts and Nellie Parris, supplemental- 2.

Q Has it been a long time since the war that you first knew her?
A No sir, not so very long since the war.
Q But you did not know her in '66? A No sir.

WILLIAM LYNCH, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Lynch.
Q You are about 85 years old are you? A I think I am.
Q You are a recognized Cherokee Freedman? A Yes sir.
Q You know Ellen Roberts? A Yes sir.
Q That is the applicant here? A Yes sir.
Q How long have you known her? A I have known her when she was small.
Q Was she a slave before the war? A Yes sir.
Q Who did she belong to? A Mr. Towers.
Q He was a Cherokee by bood? A Yes sir, he was a Cherokee.
Q You know where Ellen went during the war? A I couldn't tell exactly how she went.
Q You don't know where she went? A No sir.
Q Did she go away during the war? A Yes sir.
Q When did she come back? A As near as I could tell she came back she come back there to see her mother, I couldn't tell what time.
Q You don't know where she went to? A No sir.
Q Don't know whether she went to Texas or Kansas? A I couldn't tell you; she may have went to Texas.
Q You don't know when she came back do you? A No sir, I don't know when she came back exactly.
Q What relation is she to you? A She is my old lady's daughter.
Q Your step-daughter? A Yes sir, that's right.
Q Nothing wrong about that? A That's correct.
Q When did you marry the old lady, after the war? A Oh Lord, long time before the war.
Q Where was her mother during the war? A She went to Kansas.
Q When did her mother come back? A Come back in '66.
Q Was Ellen with her? A No sir, she wasn't with her then.
Q Well if you was step-father of Ellen why didn't you take care of her then? A Well, look here, you know we were separated then.
Q Did you leave her in Kansas when you came back away? A She wasn't with me; I couldn't leave her there when she wasn't with me.
Q You don't know when she came back? A No sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Towers sold her to a man named Armstrong before the war, her and her brother, John? A I couldn't say he was sold, or her neither.
Q You know they took them off to Missouri before the war?
A No sir, I couldn't say.
Q How far from Towers was you living? A I lived better than a miles, two miles.
Q Did you miss her before the war? A I couldn't tell, because she wasn't with me.
Q You say you were a mile from old man Towers'? A I was more than a mile, sure, two miles, I will put up two miles.
Q You know whether or not she was at Towers time the war come up don't you? A I couldn't tell where she was time the war come up I couldn't, because we was separated, and I wont tell a lie, and I couldn't tell you.
Q You don't know whether she was living with Towers or not at that time? A No sir.
Q You don't know whether she was sold? A No sir, I couldn't tell you.
Q You haven't a very good recollection have you? A No sir, you know when people are getting old they have got no good recollection.

Ellen Roberts and Nellie Parris Supplemental 3

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

M D Green

Subscribed and sworn to before me this May 15, 1901.

C Whitmire

Commissioner.

File with Cherokee Freedmen-38, Willie Ferris.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of John Powers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Wellborn & Smith, attorneys for the applicant.
J. S. Davenport, of counsel for Cherokee Nation.

CARILLA S. ROBERTS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name, your first name? A Carilla S. Roberts.

Q Where do you live, Mrs. Roberts? A Neosho, Missouri.

Q What is your age? A 63.

Q Where were you living when the war broke out, Mrs. Roberts? A Neosho.

Q What was your maiden name before you married? A Carilla Armstrong.

Q Did your father own any slaves at the breaking out of the war? A Yes, sir, he had some that I thought he owned.

Q What was your father's name? A Hugh C. Armstrong.

Q What were the names of the slaves he had there with him, Mrs. Roberts, at the breaking out of the war, if you know? A John and Ellen.

Q How long had he had them there with him at the breaking out of the war about how long, as near as you can remember? A I think that he bought John in '59, if he bought him, I don't know when he bought him, but he was home there in '59.

Q Well, did he have Ellen at the same time he had John there, or do you remember as to that? A I don't remember whether we had her after we had John or not, I don't remember, but I know we had her there at the breaking out of the war.

Q You know what became of them after the war broke out, whether they stayed there? A Well they came from the south with us, stayed with us several years, and then they went to the Cherokee Nation.

Q Did they go south with your people from Missouri? A Yes, went south with us.

Q And you brought them back with you, your family, from the south? A Yes, sir, they stayed with us.

Q Did you come back to Neosho, Missouri, after the war? A Yes, sir, in second year, in May.

Q And they stayed there a while with you? A Yes, sir, and we hired them.

Q Do you know about what year it was you came back from the south? A Yes, we came back in May just a year after peace was made.

Q That was in May, 1866, then you came back? A Yes, sir.

Mr. Smith: Well, Mrs. Roberts, what did you say your father's name was? A Hugh C. Armstring.

Q And he lived in Missouri before the war? A Yes, sir, lived in Neosho.

Q And he had a man named John, a slave? A Yes, sir, I suppose he was a slave, he had him there, I can't say that he was a slave, I can't say that he was not.

Q You don't know about that? A No, sir, I don't know.

Q Well, how did he come John there with your father? A Well he came there I am pretty certain in '59, to the best of my knowledge.

Q You are not sure about that date? A No, sir.
Q Or year? A Near that time, '58 - '9.
Q How long has it been since you saw this man that he had there with him? A I saw him sometime along in the summer.
Q Where did you see him? A He was at Neosho.
Q What became of the woman, Ella, that you are talking about? A She came to the Cherokee Nation here somewhere, I don't know where.
Q How long ago? A Well I can't say what time, but she has been here at least ten years in the Nation.
Q You don't really know who John belonged to before the war? A Only to Mr. Towers I think, that is what I understand, who he belonged to.
Q I say you don't know? A No, sir.
Q Where were you when the war closed, Mrs. Robertst A Paris, Texas.
Q How long did you remain in Paris after the war closed? A One year; he came back here with us.
Q The war closed in the spring of '65 and you didn't return to Missouri until the spring of '66? A That is right.
Q Now during the months prior to your return in '66, the months of the year '66, where was this man John that you are talking about, if you know? A He was hired to Mr. Roberts, in Neosho, the year after.
Q But you didn't come back up to Neosho till about May; where was he in January, February, March and April, if you know of your own knowledge? A He was with us in Texas before we came from Texas, he was with us, he went south with us, stayed there all the time, and we remained there about one year after peace was made and he stayed right with us, hired to us on the farm, and came back with us.
Q And from May on of the year you returned to Neosho, were you at home all the time? A Yes, sir.
Q Were you married or single? A I was married.
Q Where was your husband? A He was there.
Q At that time? A Yes.
Q Well, weren't you away from Neosho after you returned any time in '66 after the war? A For a year at a time?
Q Yes; were you away at all during that year, the year that followed your return? A No, I don't think I was.
Q You don't remember that you were? A No; I think I was there all the time.
Q Well, can you state positively that John was there all that year? A Oh yes, he was right there that year.
Q Well, you are not sure that you were there all the time? A Well I didn't mean that; I mean that he was there except when he would be off, he would drive a team off and come back.
Q He was there except when he was away? A I reckon; I know I wasn't away.
Q You don't know that the John that you are talking about is the man that is applying here in this particular case to this Commission for enrollment? A No. I don't know but I suppose it is him.
Q You suppose, but you don't know anything about that? A No, I don't know if I would see him I would know it is him
Q If you would see him, you would know the man you are talking about? A Yes.

(Applicant called, but does not appear.)

Mr. Davenport: When you saw John last summer, what name was he going by, Armstrong or Towers? A Went by Armstrong, at least we called him that there.
Q He was up to see you there, was he? A Yes,, sir.
Q Did he tell you then where he was living at that time when he was there? A He was living down, he said, at some place below Vinita here, about 15 miles

Commissioner: This testimony will be made part of the record in the original case, and also part of the record in D-57 and D-56.

Mr. Smith: Where did you go, to Texas during the war? A Yes, sir.
Q How did you come back to Neosho, did you travel, how did you travel? A Came in wagons.
Q Came right through the Territory? A Yes, sir.
Q And through the Cherokee Nation? A Yes, sir.
Q Came back in May, 1866? A Yes.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of October, 1901.

Commissioner.

Cherokee Freedman D 86.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nellie Parris as a Cherokee Freedman.

DECISION.

It appears from the record herein that Robert Parris appeared before the Commission at Fort Gibson, Indian Territory, April 12, 1902, and made application for the enrollment, among others, of his wife, Nellie Parris. The other parties to this application being differently classified are not embraced in this decision. A copy of the testimony of Anna C. Alberty, taken at Vinita, Indian Territory, October 8, 1902, in Cherokee Freedman D 87, and of Sarilla P. Roberts, taken at Vinita, Indian Territory, October 14, 1902, in Cherokee Freedman D 734, are filed herewith and made a part of the record in this case.

The evidence herein shows that Nellie Parris was born since 1866 and is a daughter of and claims her right to enrollment through her mother, Ellen Roberts; that the said Ellen Roberts was born prior to the commencement of the rebellion, but was not the slave of a Cherokee citizen nor a free colored person residing in said Nation at the time of the commencement of the rebellion.

It further appears that neither the name of the applicant nor that of her mother appears on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Nellie Parris as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Beckham
Commissioner.

W E Stevens
Commissioner.

Muskogee, Indian Territory,
this [illegible]

AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Nellie Parris for enrollment as a Cherokee Freedman.

No. F. D. 56

Henry Pack, of lawful age, being duly sworn on oath states that on the 11th day of Sept, A. D., 1901, he registered to Nellie Parris whose postoffice is Melvin I.T. Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Melvin Indian Territory; and that on the 16 day of Sept, 1901, he received the return card which is hereto attached, signed by the said Nellie Scott, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 16 day of Sept A. D. 1901.

J. C. Clark
Notary Public.

F. D. 56

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 16 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Nellie Parris for enrollment as a Cherokee Freedman:

Case No. F. D. 56

To Nellie Parris, Melvin, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct. 5th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 19 1901, 1901.

L. B. Bell

Attorneys for the Cherokee Nation.

Feb 15th 1891

Fourteen Mile Creek
I.T.

This Certificate is to
certify that Robert R.
Parris and Nellie Robert
was lawfully married
with certified witnesses

Antony Parris
Sarah Holland
Byron Sheild
Given this day of our Lord
Feb 15 1891
Signed my hand and
Seal to the above
Proclamation

Rev Sam A Brewer

POOR ORIGINAL -
BEST AVAILABLE COPY

4056

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Nellie Parris,
Melvin, I.T.

Cherokee F-D-56
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

FD 56

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 12 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 12 1901

Post Office

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

(1) Name of wife Nellie Parris Age 25

Owners name Citizenship

Year Page No. District

Parents:

Father Sam Robert Citizenship Cherokee

Mother Ellen " Citizenship Cherokee

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Robert Parris Stenographer Robert Fergel E.S.

Dawes Commission

Copy.

Cherokee Freedman
D-56.

Muskogee, Indian Territory, March 15, 1904.

Nellie Parris,

Melvin, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 11, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Commissioner in Charge.

Register

Enc. D-38.

Copy.

Cherokee Freedmen
D-56.

Muskogee, Indian Territory, March 15, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the application of Nellie Parris for the enrollment of herself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Enc. D-39

Commissioner in Charge.

COPY

Cherokee Freedmen
D-36.

Muskogee, Indian Territory, March 15, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Nellie Parris for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated March 11, 1904, rejecting her said application.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-40

(COPY)

Refer in reply to
the following:
Land.
18423-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 15, 1904, transmitting the record of the application for enrollment as a Cherokee freedman of Nellie Parris.

March 11, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the applicant was born in 1876 and is the child of Ellen Towers who was, at the commencement of the war of the rebellion, the slave of a citizen of, and residing in, the State of Missouri. The applicant has no rights as a Cherokee freedman except such as she may acquire through Ellen Towers, her mother.

In view of the record, the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

MMM

C

[COPY]

D.S. 21475-1904. W.C.P. J.P. WEK

DEPARTMENT OF THE INTERIOR,

I.T.D. 4734-1904. WASHINGTON, June 21, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 15, 1904, you transmitted the record in the matter of the application of Nellie Parris for enrollment as a Cherokee freedman, including your decision of March 11, 1904, rejecting said application.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) W. A. Ritchenek,

Secretary.

1 inclosure.

Cherokee Freedmen
D 84

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the application for the enrollment of Nellie Parris as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
D 56

Muskogee, Indian Territory, June 30, 1904.

Nellie Parris,
Melvin, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TR
FILED
APR 12 1901
ACT.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Marriage Certificate
of Robert Parris & Nellie Roberts

7956

Cher. Fr. R-390

See Cher. Fr. R-40

Cher. Fr. R. 390

the Kerns-Clifton roll of the Cherokees and the application thereon as shown examined and the application identified thereon as follows: Page 181, No. 4458, Purrell Daniels, Creek Nation. Page 181, No. 4457, Robert Daniels, Creek Nation.

By Com'r Needles:

The name Purrell Daniels is not found on the authenticated roll of 1880 or the census roll of 1896, but his name is on the Kerns-Clifton pay roll of 1894; the name of his wife Dennie is not found on any of the rolls in the possession of the Commission. The name of his son, Robert, is found on the Kerns-Clifton roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment as a Cherokee freedman and that of his wife and son, will be refused, as they will be rejected.

Chas. von Weise, being sworn, states that he stenographed the foregoing testimony in the matter of the application to the Five Civilized Tribes, as reported in full all the testimony in the above entitled cause, and the foregoing is a full, true and correct transcript of said testimony.

Chas. von Weise.

Subscribed and sworn to before me this 16th day of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles,

Commissioner.

---00000---

Arthur G. Crosthwait, being duly sworn, states that he stenographed the testimony in the matter of the Five Civilized Tribes, and made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 18th day of December, 1901.

Commissioner.

To be filed in C.R.B.1161, Burrell N. Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 10th, 1901.

In the matter of the application of Burrell Daniels for the enrollment of himself and wife and one child as Cherokee freedmen. He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q What is your age? A About 70.
Q What is your post office address? A Talala.
Q What district do you live in? A Goweesscowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you been recognized as a Cherokee Freedman by the Cherokee authorities? (No response.)
Q Is your name on any of the Cherokee rolls? A Yes, sir.
Q Who is it that you desire to have enrolled besides yourself? A My wife and children.
Q What is your wife's name? A Miranda.
Q How many children have you under twenty-one? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 20.
Q About how old isyour wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No, sir, but it is on the Wallace roll, and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand River west of Vinita.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes, sir.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q When did you return from the Choctaw Nation to the Cherokee Nation? A They taken a bunch of us and went to Mexico.
Q How long did you stay there? A Five or six years, in Mexico on a ranch and one year with a Jew from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I don't know how long, I was working my way back from place to place, didn't have any means of getting back and had to work my way.
Q When did you get back to the Cherokee Nation? A I don't remember exactly the date, but I got back here when Mr. Bushyhead was chief, I got back when Cherokee Council was in session and I applied to the Council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Guss Ivy and some others took it up and it passed all the council excepting the full bloos and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the council excepting the full bloods and they did not wait for them and council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Nation.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes, sir.

Q Did she come back with you? A Yes, sir.
Q Where was Robert born? A He was born in San Antonio.
Q How old was he when he came to the Cherokee Nation? A Don't know exactly, he was just a little bit of a kid though.
Q Was he with you all the time? A Yes, sir.
Q Did he come back with you? A Yes, sir.

Edgar Smith, attorney for applicant, continues examination:

Q State just how you happened to be taken to Mexico at the close of the war instead of coming back to the Cherokee Nation? A Well it was just this way: When the war ended and we were going to come back here, General Cooper ordered Col. Bryant to turn over all his teams and he refused to do it and he then gathered up a bunch of us colored people and started south with them and we got in to Texas and there were camped on the plains and rounded up a bunch of about fifteen hundred head of cattle and went on to the Rio Grande river, and before he crossed over into Mexico he made us all get into line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves who was set free did not owe their old masters anything; but he drewed it up in writing and made us all sign it and then we went in to Mexico and there the Mexican government didn't have any law as old "Maxmillian" was in power then, and they had a law called the Peon law and they peoned me out to a Mexican. The Mexican governor----------gave $113.00 for me and I worked for him on a ranch for several years until a Jew fellow who had come from New York came round there and said that his wife was used to colored people and wanted one for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him and he was living in Chihuahua and I was taken there and cooked for him for a year. The governor of Chihuahua who was named Don Terasse was the man who had me peoned and the Jew paid us out for him. They taken us to Chihuahua the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. Bryant and there was some people there who taken our part and put it into court and we staid in court a week but the Mexicans had no law there any more as old "Maxmillian" was there and in power and they said that if we had been there sooner that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and then Gen Grant sent them two officers down there in regard to relieving us and they took us away and they went from Chihuahua to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would shoe so many mules for them and when they got to a certain place across the Rio Grande called----------they left us and I went on to San Antonio. When the troops left us I asked them how much I owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed me $20.00 and then I went on to San Antonio with my family.
Q And the officers brought you into Texas and turned you loose and you went on to San Antonio? A Yes, sir.
Q And you say you worked in San Antonio several years before coming on to the Cherokee Nation? A Yes, sir.
Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to

Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work your way to the Cherokee Nation? A Yes sir, I was taken down there by Col. Bryant and peoned out to Don Lewis Terrasse the Governor of Chihuahua.
Q And that is the reason that you did not come back to the Territory?
A Yes, sir.
Q Were you a slave during the war, or before the war? A Yes, sir. I was before the war, and during the war was a teamster and cook in the Confederate army.
Q So it was some years after the surrender that you got back to the Indian Territory? A Yes, sir, I found my mother here on the river when I got back. I came back when Bushyhead was chief.

By W. W. Hastings, Cherokee Representative:

Q About what year was it that you came from Mexico to San Antonio?
A I don't know.
Q You stated that you staid in San Antonio several years? A Yes, sir.
Q How many? A Five or six years on a ranch in Mexico.
Q Then you were in Mexico after the war for five or six years? A Yes, sir.
Q I believe that you testified that you came back to the Cherokee Nation when Mr. Bushyhead was chief? A Yes, sir.
Q Then for five or six years after the war you were in Mexico and then you went to Texas and staid there several years before coming on back here? A Yes, sir, I worked in San Antonio several years before I came back here.

By Edgar Smith:

Q State more fully at what time you were taken to Mexico and by whom that was done. A When we got there in Mexico he (Q Who? A Col. Bryant) was camped about a mile from the city of Chihuahua and was selling off the colored people to pay what he said we owed him. He was letting little girls go for $30.00 each and when I saw it I walked away and went into the city and he had me arrested and there were some people there who taken our part and took it into court and we staid in court about a week, and at that time old "Garamillian" and his French was in power and the Mexican government had no laws and they peoned us all out to pay that claim and the governor of the state of Chihuahua said that he would pay $113.00 for me and he paid it to him. (Q Who paid it to who? A The Mexican governor to Col. Bryant) Col. Bryant said that me and my family owed him $500.00 and the governor of Chihuahua paid him $113.00 and we worked on his ranch.
Q Did you owe him anything? A Not a cent.
Q But you were sold to the Mexican governor for $113.00 and worked for him on his ranch? A Yes, sir.
Q How long did you work on that ranch? A Five or six years.
Q You say Gen. Grant took you out? A Yes, sir, sent two officers to take us out.
Q How much money did you have when you left Mexico? A Didn't have any.
Q Why didn't you come back to the Indian Territory right away after you left Mexico? A Well I got to San Antonio and had to work there to get us as I did not have any money and had a large family.

By Commissioner Needles:

Burrell Daniels #4.

Q How long did you stay in Texas? A: Don't know how long, worked in San Antonio several years.

The Kerns-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows: Page 181, No. 4456, Burrell Daniels, Creek Nation. Page 181, No. 4457, Robert Daniels, Creek Nation.

By Com'r Needles

The name of Burrell Daniels is not found on the authenticated roll of 1880 or the census roll of 1896, but his name is on the Kerns-Clifton pay roll of 1894; the name of his wife Miranda is not found on any of the rolls in the possession of the Commission. The name of his son, Robert, is found on the Kerns-Clifton roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment as a Cherokee Freedman and that of his wife and son, will be refused and they will be rejected.

########

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 16th of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles,

Commissioner.

——oooooo——

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of December, 1901.

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 21st, 1901.

In the matter of the application of Ella Daniels for the enrollment of her child, MADY DANIELS, as a Cherokee Freedman; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ella Daniels.
Q How old are you? A 25.
Q What is your post office? A Vinita.
Q What district do you live in? A This district.
Q Do you live at Vinita? A I live on Grand river.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Mack Daniels.
Q Do you apply to be enrolled as a Cherokee Freedman? A Just a child.
Q Have you been enrolled yourself? A No, sir.
Q Who do you want to enroll now, a child? A Yes, sir.
Q Your child? A Yes, sir.
Q Why don't you apply for enrollment yourself, what is the matter? A I don't belong to this Nation.
Q Is your husband living? A Yes, sir.
Q Where is he? A He is in the Creek Nation some place I don't know where he is.
Q Is he a Creek? A No, sir, he is a Cherokee, but he just goes down there; he lives out west of Talala.
Q What is his name? A Mack Daniels.
Q Is his name on the roll of 1880? A Yes, sir.
Q How old is he? A I don't know exactly how old he is.
Q You are not a citizen you say? A No, sir.
Q What is the child's name? A Mady.
Q How old is Mady? A She is going on five years old.
Q Are you married to Mack Daniels? A Yes, sir.
Q Have you a certificate of marriage? A Yes, sir.
Q Please let me look at it? A I haven't got it here.
Q Have you got it? A I have got it at home.
Q Are you and your husband living together? A No, sir.
Q How long have you been separated? A Pretty near two years.
Q Have a divorce? A No, sir.
Q Where was this Mady born? A In Muskogee.
Q Were you and Mack Daniels living together at Muskogee at that time? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's husband's name not found thereon.

Q What proof have you of your husband's citizenship? A Roly knows their citizenship.

Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's husband found thereon, page 181, #4455, Mack Daniels, district given as "Creek Nation."

Q Now, have you got any testimony that you want to offer as to his citizenship? (No response.)

COM'R NEEDLES:--Ella Daniels applies for the enrollment of her child, Mady. She avers that she is married to one Mack Daniels and presents no satisfactory proof of marriage. She avers that she has a marriage certificate and it will be necessary for her to file the same with this Commission. It will also be necessary for her to file with this Commission satisfactory proof of brith of her child, Mady, for whom she applies. She avers that she is a non-citizen but that her husband, Mack Daniels, is a citizen. His name is not

found upon the authenticated roll of 1880 but is found and identified upon the Kerns-Clifton pay roll according to the page and number as indicated in the testimony. Byreason of the fact that the name of Mack Daniels, the husband is said Ellan Daniels, whom she avers if the father of her child, is not found upon the authenticated roll of 1880 and no satisfactory proof is made as to his citizenship, the said Mady Daniels will be listedfor enroll ment as a Cherokee Freedman upon a doubtful card for the further consideration of the Commission, awaiting proof of citizenship of its father, proof of marriage between said child's father and mother, Ella Daniels, and proof of birth, the name of the said child not appearing upon any of the rolls of the Cherokee Nation.

----oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his wtenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 24th day of May, 1901.

C A Weekemeier

Commissioner.

Mr. Chairman, I am sorry

[illegible] ment of the Interior,

[illegible] the two [illegible] in 1901.

[illegible] suggestion of [illegible] of [illegible]

[illegible] be [illegible]

[illegible] be [illegible]

[illegible] be

File with C.R. D-917, Mary Hill.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the Matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant;

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE G. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A. George G. Butler, Tahlequah, Cherokee Nation.

Q. What is your age, Mr. Butler? A. 38.

Q. Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A. Yes, sir, Cherokee by blood, recognized.

Q. Do you know the applicant, Burrell Daniels? A. Yes, sir.

Q. How long have you known him? A. I have known him for about 35 years, or 30; well 35 years I reckon, since 1866, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A. Yes, second time of his election.

Q. I want to correct you; he was inaugurated in 1855, and the next year would be 1856. A. Well 1856 then.

Mr. Mellette: Where did you see Burrell Daniels first? A. I saw him in Tahlequah.

Q. About what year was that? A. That was in 1864, in November, during the council.

Q. What was he doing there at that time? A. He came there to be recognized to citizenship, to see about his rights he said.

Q. Do you know if he presented an application to council for readmission? A. Yes, sir, I wrote it out, had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: Here comes in a matter of record; I am going to object to further examination along that line.

Commission: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mellette will insist on going on.

Mr. Mellette: I think the fact of his filing his application is competent; I don't care to go on.

Q. Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A. No, sir, I didn't know him, I was too young then.

Commission: This testimony will be filed in the following cases: R-40, R-861, R-916, D-917, and D-941.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 20th of September, 1901.

M. D. Green
Notary Public.

R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., December 17, 1901.

In the matter of the application of Burrell H. Daniels, for the enrollment of himself as a Cherokee Freedman.

The said Burrell H. Daniels being duly sworn by the Commission, testified as follows:

BY THE COMMISSION:

Q What is your name? A Burrell H. Daniels.
Q How old are you? A I don't know just exactly how old; about 34.
Q What is your postoffice address? A Muskogee.
Q Are you living in the Creek Nation? A I am living in the Cherokee Nation.
Q What district? A Canadian.
Q Do you desire to make application for enrollment as a Cherokee Freedman? A Yes sir.
Q Do you want to have anyone else besides yourself enrolled? A No, sir.
Q What is the name of your father? A Burrell Daniels.
Q Your father living? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q What is the name of your mother? A Mary Miranda Daniels.
Q Is she living? A Yes, sir.
Q Is she a Cherokee Freedman? A Yes, sir.
Q Have you got any children? A No, sir.
Q Where were you born? A Mexico.
Q Do you remember when you first came to the Cherokee Nation? A Yes, sir.
Q About how old were you then? A I don't know, sir, just how old I was. I was quite a small boy when I first came here.
Q Have you lived in the Cherokee Nation continuously since you returned from Mexico? A Yes, sir, ever since, only about that high I used to steer the ferry boat all the time, and I have been ferrying---
Q How long did you live in Texas? A I don't know sir just exactly how long I lived in Texas.
Q Have you ever been recognized as a citizen of the Cherokee nation as a freedman? A Yes, sir, I have been.
Q Have you ever drawn any money? A Yes, sir.
Q Does your name appear on any of the tribal rolls? A Yes, sir.
Q Have you ever made application for enrollment as a citizen of any other tribe? A No, sir.
Q Where were you living four years ago? A We was---living on the Arkansas river.
Q Cherokee Nation? A Yes, sir.
Q Have you resided there continuously since that time? A Yes, sir.

The Wallace roll of Cherokee freedmen examined, and the name of the applicant appears thereon as follows:
Page 109, No. 2316, Burrell Daniels, Jr., Creek Nation.
The Kerns-Clifton roll of Cherokee Freedmen examined, and the name of the applicant appears thereon as follows:
Page 161, No. 4454, Burrell Henry Daniels, Creek Nation.

BURRELL DANIELS, being duly sworn, testified as follows:

Q What is your name? A Burrell Daniels.

Q How old are you? A I guess I am about 70 years old.
Q What is your postoffice address? A Talala.
Q You claim to be a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized as a Cherokee Freedman? A Yes, sir.
Q Are you the father of Durrell K. Daniels? A Yes, sir.
Q Where was he born? A He was born in Mexico the year we left there, born about ---
Q What year did you leave there, how long after the war?
A Well, I stayed there I reckon six or seven year, about, before I left there, and about three or four months before we left there he was born; he was a baby---
Q Where did you go when you left Mexico? A We went to San Antonio, Texas.
Q How long did you remain in Santonio? A Well, we worked around there several years, until they get the railroad built, we couldn't get out.
Q What do you mean by several years, as much as three years? A Six or seven years, maybe eight or ten years.
Q Then where did you go to? A After that came right here.
Q To the Cherokee Nation? A Yes, sir.
Q Did this boy come up here with you at that time? AYes, sir.
Q Has he been living here continuously since then? A Yes, sir, ever since.
Q In the Cherokee Nation? A Yes, sir.
Q Were you a slave at the outbreak of the war between the United States and the Confederary? A Yes, sir.
Q Who was your owner? A Well, Robert Daniels was my owner.
Q Were you sold? A He swapped me to Miss Thompson here in Tahlequah for another boy.
Q Well, how did you happen to go to Mexico? A When the war was going on they put out families with Mr. Joe Bryant's outfit to keep them out of the way of the Yankees, and I was teamster.
Q Did they sell you to a man in Mexico, or did they just take you down? A Well, they didn't exactly sell it selling; what they called Peon Law, when they get ready to take us they made--we all get out on the plains, and he made us all form a line one morning.
Q And he took you from there to Mexico? A Yes, sir.
Q Did you leave Mexico after the close of the war as soon as you could get away? A Yes, sir, Couldn't get away till two officers came from Fort Davidson.
Q And they took you to Texas? A Yes, sir.
Q Then after you left Texas you came to the Cherokee Nation?
A Yes, sir.
Q And you have lived here continuously since that time? A Yes, sir.
Q This boy has always been with you? A Yes, sir. Always been with me.
Q He is not married? A No, sir, he married here in the Creek Nation but his wife quit him, and get a divorce and married another man.

The authenticated roll of 1880 examined, and the name of the applicant does not appear thereon.
The census Roll of 189[illegible] examined, and the name of the applicant does not appear thereon.

BY THE COMMISSION:

Durrell K. Daniels applies for the enrollment of himself as a Cherokee freedman. He is identified on the Wallace and Kerne-Clifton rolls as Cherokee freedmen. He is not identified on the roll of 1880 or the census roll of 1896. It appears from the testimony that he was born in Mexico some years after the close of the war. After his departure from Mexico he went to San Antonio, Texas, with his father, where he remained for a period of six or seven years, and then came to the Cherokee Nation, where he has been residing continuously since. He avers that he is the son of Durrell and Mary Daniels, who have been listed for enrollment as Cherokee

freedmen on Cherokee rejected card No. 2, 40, and the testimony had in the matter of the application of the said Burrell Daniels for the enrollment of himself will be filed and made a part of the record in the case at bar, and copies of the testimony will be filed with this case. By reason of the fact that the applicant, Burrell H. Daniels, is not identified on the authenticated roll of 1880, final judgment as to his application will be suspended, and his name will be placed on a doubtful card awaiting further consideration by the Commission.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger,

Subscribed and sworn to before me this 17th day of December, 1901.

(Signed) T. B. Needles,

Commissioner

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized, she made the above and foregoing, and that the same is a true and complete copy of the original transcript.

Edith Lewis

Subscribed and sworn to before me this 1 day of July, 1904.

W. T. Martin Jr.
Notary Public.

8D1101

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 8 1902

Acting Chairman

To be filed with F-D-1101- Burrell H. Daniels.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. May 17, 1902.

In the matter of the application for-the-enrollment of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.
SUPPLEMENTAL TO R-40.

APPEARANCES:
Mellette, Smith & Cravens, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be atrue and correct copy of so much of the Wallace roll made by J. W. Wallace as shows the enrollment of Andrew Daniels and family as Cherokee Freedmen and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19,1888, Also certified copy of that part of the Wallace-roll J. W. Wallace roll as showsthe enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicants offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Lester Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in theoffice o the Secretary of the Interior, as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified beforethe Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels D-1100, Burrell H. paniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 4th day of June,1902.

(Signed) F. G. Reuter.
Notary Public.

(SEAL)

-2-

I, The undersigned, being duly sworn, as stenographer to the Commission to the Five Civilized Tribes do hereby swear that the I made the above and foregoing copy and that the same is true and correct copy of the original transcript.

Frances S. Walsh

Subscribed and sworn to before me this 5th day of August, 1902.

Robert L. Owen
Notary Public.

CERTIFIED TO BE A TRUE AND COMPLETE COPY OF THE ORIGINAL RECORD ON FILE IN THE DEPARTMENT OF THE INTERIOR

[illegible]

FILED
JUN 1 - 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE ENROLLMENT DIVISION,
MUSKOGEE, I. T., JUNE 8, 1906.

Cherokee Freedman R-40 et al

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee freedmen, consolidating the applications of

Burrell Daniels et al.---------- C F R- 40
Andrew Daniels et al.---------- C F D-861--R-396.
Lizzie Shaffer et al.---------- C F D-916--R-396.
Mary Hill et al.---------- C F D-917--R-394.
Lizzie Haynes et al.---------- C F D-941--R-393
Mack Daniels et al.---------- C F D-1089-R-392.
Thomas Daniels et al. ---------- C F D-1100-R-391.
Burrell H. Daniels et al.----------C F D-1101-R390.

APPEARANCES:
For the Applicants: Sims & Bulger.
For the Cherokee Nation: W. W. Hastings and J. S. Davenport.

It appears from the records of the Commission that on January 18, 1904, the Commission rendered its decision in the matter of the above applications denying the applications. That on January 19, 1904, the record in the matter of these applications was forwarded to the Department and the action of the Commission was approved by the Secretary of the Interior on June 24, 1904. It further appears that on May 15, 1906, the decision of the Department affirming the decision of the Commission was rescinded and the record and the papers returned with a request that a rehearing be had in the matter. Now on this day pursuant to notice the applicants herein appear both in person and by their attorneys, Sims & Bulger of Vinita, I. T., the Cherokee Nation represented by W. W. Hastings, one of the attorneys for the Nation.

The following testimony was introduced on behalf of the Cherokee Nation:

R. W. LINDSEY, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A R. W. Lindsey.
Q What is your post office? A Choteau, Indian Territory.
Q
BY MR. HASTINGS:
Q What is your age? A 73.
Q What is your post office? A Choteau.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q Were you married when the war came up? A Yes sir.

Q To whom were you married? A Mariah Bryant.
Q Who was her father? A Joel M. Bryant.
Q Was he commonly known as Col. Bryant? A Yes sir.
Q Did you know the applicant, Burrell Daniels, before or during the war? A I knew him during the war.
Q I mean the applicant here? A Yes sir, I knew him as good as anybody.
Q Where did you first know him? A Well I have seen him the first to know him was at out six miles east of Van Buren in Arkansas.
Q When was that? A About October, 1862.
Q In whose family was he at that time? A Col. Bryant, his property at that time.
Q Did he own him at that time? A Yes sir.
Q Did Burrell Daniels have a wife then? A Yes sir.
Q Do you remember what her name was? A Yes sir, Miranda.
Q Did they have some children? A Yes sir.
Q Do you remember how many? A Lets see, I can recollect the names of Lewis, Nancy, and Abe, there were about five to the best of my knowledge, but they have all died except one or two.
Q To whom did Miranda and the mmb rs of Burrell's family belong?
A Col. J. M. Bryant.
Q That was in October, 1862? A Yes sir.
Q Where did Col. Bryant's family go during the war? A They went from that place for a little while close to Dansville, Ark. for a few months, and then went south to Red River ten miles east of Boaksville, Chostaw Nation, one year, and then removed from there to a point 17 miles southwest of Boaksville in the Chostaw Nation.
Q Where were they at the close of the war? A They were at this place 17 miles southwest of Boaksville in the Chostaw Nation.
Q Did they subsequently remove to Texas? A Yes sir.
Q Just go ahead and make a statement? A I was in the army and was travelling under orders from Shreveport to report to General Cooper, commanding the division of the Indian Territory, C. S. A. and when I got to Paris I heard from a party there that Col. Bryant's family had removed across the Red River, and I went there and met them there and Burrell Daniels was there with them.
Q When was that? A In the early part of May, 1865.
Q Where did Col. Bryant and where did you go from there? A I don't recollect the distance but it must be 40 or 50 miles up Red River to Warren where Col. Bryant joined us there.
Q Where did you go from Warren, Texas? A We started from there and went to Chihuahua, Mexico.
Q Was Burrell Daniels with Col. Bryant's family at Warren, Texas?
A Yes sir.
Q Now tell of the circumstances of Col. Bryant going to Mexico and of his taking this family with him? A He went to Mexico and this family of Burrell's and another family of negroes, 5 or 6 in number, he taken them along with him, they all went together.
Q Did he force these people to go with him?

Mr. Blue: I don't think that is competent, I think that is a conclusion rather than a statement of facts. I think he ought to state the facts and not undertake to give conclusions.

A No sir, he didn't force them.

Q How tell about it? A As I understood it was entirely amicable, I didn't hear of any objection at all, Burrell and his wife, Miranda were very confidential servants you may say, it was their matters and they went along freely as I expect he ever did anything in his life, as I understand they were to go with them to Mexico.

Q What was Col. Bryant intention of going to Mexico at that time?

A Well it was just after the war and things were so that he had to go some place, as a good many called it to get out of the way of the Yankees.

Q Were these parties compelled to go? A No sir, they stopped at a place I think 210 miles northeast of the Rio Grande, where we stopped and liberated the slaves and rested for several days, and Mr. Bryant made a contract with Burrell and I think maybe his wife, that when they got over into Mexico they were to work and pay the transportation, and I think maybe the amount was fixed, I am not certain about that, and then when we got to the City of ~~[illegible]~~ Chihuahua, and after awhile we moved down three miles east of Chihuahua, and we had been there a few weeks when Burrell taken up his family and skipped off into the City from the camps where we camped at, and Mr. Bryant come there and found him in the city, and he brought suit against him before the the court there, and he got judgment, I don't recollect the amount of the judgment though.

Q What did he bring suit for? A On account of the contract for services, he brought suit there for the money or for the services he agreed to pay him.

Q For what money? A For transportation under this contract entered into at Fort Stockton. He got the judgment and of course that would compel the services or the money, I don't know what the amount of the money was, but governor Terrasse, Lewis Terrasse paid the money and then, under the laws there, of course, Daniels became a subject to him for the amount of money to satisfy that judgment.

Q Then this contract that was entered into was to pay for the transportation of Burrell Daniels and the members of his family from where they had previously started over into Mexico? A Yes sir that was it.

Q And you say Bryant got judgment for some amount but don't know the exact amount? A No sir not the exact amount.

Q Burrell Daniels has testified the amount was $113.00, do you remember about that? A I don't recollect the amount, I have heard them speak about it.

Q You say Lewis Terrasc paid the judgment? A Yes sir, paid the judgment.

Q And that ended Burrell's connection with the family? A Yes sir

Q Was that in 1865? A Yes sir, that was '65, about September, 1865.

Q About how long did you stay there after that? A About two years.

Q You and did Col. Bryant stay there two years after that? A Yes sir we came back together.

Q Did you ever see Burrell Daniels here after that time? A No sir not until 1888, I saw him in Tahlequah, I saw his oldest son frequently.

Q When did you say you saw him here? A In 1888.

Q You don't know just when that was, when he returned? A No sir.

BY MR. BLUE:

Q You say you were a son-in-law of Col. Joel Bryant? A Yes sir.

Q Was Bryant a Colonel in the Confederate Army? A Yes sir.
Q Was he in command of a confederate force in 1865? A Up until about May in 1865 I think everything went to pieces about that time.
Q Was he ordered to turn in? A I wasn't with him, I did what I was ordered to do and I met his family and mine and we went up above. I don't know anything about that. The equipage he had was perhaps his own, men these times furnished according to his own skillet.
Q Were you with Bryant in 1865? A No sir just met him at Warren, Texas.
Q In what year? A '65.
Q And who was with him at that time? A When I first met him there were two young men, one by the name of Lem Smith and Joe Bennett.
Q I mean what companies he had? A No companies, those two men were the only ones. Afterwards two other parties came in that belonged to his commandz. These wereall he had, no one but those two when he came down from Washita of his command, didn't have any command then, they had disbanded.
Q What was Bryant doing down in that part of the country at that time? A He came from Washita to meet his family and fixed up to go to Mexico.
Q What was his object in going to Mexico? A I said to get away from the Yankees.
Q Was it customary for the Yankees to make it unsafe for the ex-confederates? A I don't know, we didn't know at that time.
Q You were going away from the Yankees and there wasn't any there?
Q That is my idea, I couldn't tell any other idea.
Q Then you went from there to the City of Chihuahua? A Yes sir.
Q And was this Burrell Daniels and his family the only colored people with you? A No sir, there was another family about 5 or 6 I think.
Q Were they trying to get away from the Yankees too? A I couldn't tell what their motives were. They were old family slaves except two.
Q They were slaves of Joel Bryant then? A Yes sir, and you don't know or anybody else how close old slaves would be to us during those days.
Q You say Burrell Daniels was with Joel Bryant in 1862 in Arkansas?
A Yes sir, that was when I first met them, in August, 1862, I think Joel Bryant bought him from Thompson out here just a little ways east of here, I only heard of them speaking of the transaction.
Q You don't know it? A No sir, only heard it but I know they were up that way.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir.
Q Do you know from whom Johnson had bought Burrells? A From Robert Daniels.
Q What part of the Territory did Johnson live in in 1862? A Johnson had lived on his place, it was about ten miles little south east of where Vinita is now, and Robert Daniels lived on the Texas road just north of him.
Q Where did Johnson Thompson go then? A He had gone to the Choctaw Nation, I could see him around and I think he was a commissary perhaps in the first Cherokee regiment. I frequently saw him on the trail sometimes we had a good night sleeps and sometimes we would be running.

Q Was that first Cherokee Regiment a Confederate force? A Yes sir that was the one, there was a first Cherokee regiment and there was a second Cherokee regiment.
Q What was the number of Col. Bryant's regiment? A I don't recollect, I wasn't with his regiment, I was with a different command all together, that has been a long time ago and I have forgotten it.
Q Did Johnson Thompson at this time have any other slaves except Burrell Daniels? A Yes sir considerable.
Q Did he move those with him? A I don't know they were with the family, his family went to Red River, I expect they went there in 1862.
Q At about the same time that Daniels went to the Choctaw Nation?
A About the same tim he moved down he was moving when they made the deal out here at a little spring close to Rosen Lake.
Q Do you know why they went to the Choctaw Nation? A Yes sir.
Q Why? A The Yankees were in it again.
Q Do you know that Burrell Daniels was sold by Johnson Thompson to Col. Bryant? A Well I know just only from hearesay, the old man Bryant said he had bought him from Thompson, and I think Thompson had brough him from Daniels
Q Was it not customary in those times for a salve owner to put his salves with some army officer for protection? A Not then, no sir, not until things---we held the ground, it was all our way then.
Q What time of the year was that? A That was during the summer of 1862. I said it was about August when they made this trade.
Q In the latter part of August you made this trade, didn't the northern forces come down her and wasn't John Ross and family north with them? A They had previously to that time, but they got away rapidly, we were master of all we surveyed then, but I say we didn't hold it long.
Q If you were monarch of all your surveys here why did you go south? A We took a good stand, and made a good run.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you enrolled as such? A Yes sir.
Q How long have you lived in the Cherokee Nation? A You count from the 2nd day of November, 1859 up to this day.
Q From what place did you come to the Cherokee Nation? A From Kansas City, Missouri.
Q Are you a Cherokee by blood? A No sir, by marriage.
Q Then you were here or hearabouts all the time of the war until in 1865 when you started to old Mexico? A Yes sir.
Q And you were with General Cooper, if I understand you? A Yes sir.
Q What regiment? A Second Cherokee regiment two years, and I was with the artillery the last of the war.
Q When Col. Bryant started from this place was it his intention of going to old Mexico? A Yes sir that was it.
Q How many people were they with Col. Bryant at the time he started to Mexico? A Besides hiw own family, I don't think there was over, at that time, ten more men. There were several more than members of his family, I would say a dozen at the outside.
Q Did he have some young boys? A He had only one son.
Q Was there any others? A One boy started with him and then way down about Waco another boy come in.
Q How did you travel from going from this place in Texas to Mexico? A We travelled in wagons.

Q Some on horse back I suppose? A Some on horse back, a few.
Q How did you subsist in going through that country? A We had beef cattle, some milk cows they had that the family was using I think andtraded for.
Q About what size herd? A Not very large but I would say 30 or 40 head perhaps, it wasn't a big herd, small.
Q And you took them along to subsist on? A Yes sir.
Q Was that stok of the family or was it property of a party for all? A No sir they were Bryant's property, he footed the bill.
Q While in travelling from Warren, Texas, did you go by an old travelled route or otherwise? A We travelled the usual travelled route.
Q Did you find any Yankees in the way out there? A Not a single Yankee.
Q From Waco did you take the usually travelled route? A Yes sir, until we got to San Sabin, and then it was the other route, we went to Belton, and we passed Yeupusa and Sansaba, and then we took a little by way to Fort Stockton.
Q After you heard that the Yankees were in that vicinity you didn't travel the route usually used? A No sir the Yankees were not in that vicinity, they were way down to Houston.
Q Now this old Fort Stockton, how near was that from the divide?
A It was 210 miles to the best of my recollection.
Q Your recollection is it was 210 miles from Fort Stockton? A Yes sir that is my best recollection.
Q What was the last stopping place so to speak until you got down to Presidio? A It was 122 miles to Presidio.
Q What I wish to know, from the time you left Fort Stockton until you got down in the vicinity of Presidio did you fine any other stopping place? A No sir that was the first stopping place.
Q Was that a settled country? A No settlement at all.
Q Was it an arid place during those days? A Yes sir.
Q You came through to this Cotton Wood Spring and there you stopped for a time? A Yes sir.
Q About how long before you went on? A Perhaps it was six days.
Q Then you crossed into old Mexico? A Yes sir.
Q After you got into old Mexico you remained there how long?
A Two years.
Q Now isn't it a fact that Col. Bryant tookd judgment against the colored people that was with him? A No sir only Burrell and his family.
Q Do you know anything about how Burrell Daniels got out of Mexico? A No sir didn't see him any more after he left the camps there.
Q You spoke of seeing his oldest son? A Yes sir.
Q That was really a peonage son too? A Yessir.
Q As a matter of fact there was no such thing as slavery there as it was in the United States? A No sir it was a contract you see.
Q Simply sell into bondage until the debt was extinguished? A
A Yes sir that was of it, if necessary I can briefly state it, that if you make a contract with a man he could work it out. You know what peon mean, it means just servitude of labor, it was under a contract for a debt.
Q As I understand it under that contract they were sold into slavery until the debt was extinguished, if it wasn't paid? A No sir, I beg your pardon, you could compel him to make that servitude or get the money and pay you.

Q Now at the time you got there into Mexico, as you have stated, what government was in power then, the Mexican government or the Government of Maximillian? A Maximillian.
Q During the time you remained there what government was in power?
A Most all the time Maximillian, about the time we left there the Maximillian government was overthrown, just a little while before we left.
Q Was the government changed back to the Mexican control before you left? A Yes sir.
Q Did either you or Col. Bryant while you were in old Mexico participate in the government there in any way? A No sir.
Q You and he were there simply as citizens and trying to live there?
A Yes sir.
Q Did Col. Bryant return back to the United States after that?
A Yes sir.
Q And you did also? A Yes sir.
Q Have you ever held any official position in the Cherokee Nation?
A I have been a member of the National Senate in the Cherokee Nation.
Q Have you held any other official position? A No sir.
Q Have you been a member of the National Council of the Cherokee Nation more than once? A Only once.
Q When was that? A It was in 1887 and '88.
Q Now I will ask you do you remember when Bushyhead was elected Chief? A The first time was in '79 and the second time in '83.
Q Then he was Chief of the first election how long? A 4 years.
Q Reaching from what time? A '79 to '83.
Q How long was he chief the second time? A 4 years.
Q Do you remember when he was inducted in office in 1883? A It was supposed to be about the first Monday in November, '83.
Q Then the term of that office would run 4 years? A Yes sir.
Q Was he chief of the Cherokee Nation any other terms than those two? A No sir, that was all.

BY MR. HASTINGS:
Q You and Col. Bryant then went to Mexico in 1865 with the intention of living there at that time? A Yes sir, that was the intention.
Q And you started from near Warren, Texas? A Yes sir.
Q Was Mr. Baugh, his other son-in-law with you? A Yes sir.
Q That is the other witness out here? A Yes sir.
Q And you say Burrell Daniels and his family went with you voluntarily? A Yes sir.
Q Was he compelled to go by Col. Bryant? A No sir.
Q Another family of slaves went with you at the same time? A Yes sir.
Q Were they compelled to go with you? A No sir, and he proposed to bring them back at the same time. They stayed with him the length of time working for themselves, and when he came back he told them he would bring them back with him.
Q They had a signed contract with him to pay for their transportation did they? A Yes sir.
Q After they got over to Chihuahua Burrell refused to comply with the terms of the contract? A Yes sir, that was about it, he left Mr. Bryant's services.
Q Left owing for this transportation? A Yes sir.
Q And as I understand you Mr. Bryant, in the proper courts down there, brought suit for this transportation? A Yes sir.
Q And he got judgment? A Yes sir.
Q And this Governor of Chihuahua, Lewis Terasse, paid off the judgment under Mexican law? A Yes sir.

Q And Col. Bryant had no more to do with it? A No sir.
Q Whatever was done by Col. Bryant was done there in accordance with the Mexican law and the action of the courts? A Yes sir.
Q Col. Bryant never sold him into slavery or peonage, only got judgment against him? A That was it, under the law he could have held him until he got it.

BY MR. BLUE:
Q You started from this point in Texas you have stated as I recollect it, that it was in May, 1865, when you started to Mexico, what day in May? A I couldn't recollect, I think it was in the early part of May, perhaps the middle.
Q Now as a matter of fact when you started these people were slaves of Col. Bryant? A Yes sir, so considered.
Q Were they slaves when you went into Mexico? A No sir, he had liberated them at Fort Stockton.
Q What was Burrell Daniels and his family doing during the time they were travelling, going through there? A Burrell was driving one of the teams, and his wife was cooking for Col. Bryant's family.
Q As a matter of fact Burrell and his wife were working for Col. Bryant? A Yes sir.
Q And did work for him up to Fort Stockton when this contract was made? A Yes sir.
Q How did Col. Bryant at that time pay Daniels and his wife anything for their services? A I would say not, my impression is that he didn't pay them anything.
Q This proceeding out there in Mexico by Col. Bryant by which this judgment was obtained, was it under the rule Maximillian?
A Yes sir.
Q Did you or Col. Bryant, either one become citizens of Mexico?
A No sir.
Q Did Col. Bryant take out any papers there? A No sir.

BY MR. HASTINGS:
Q Were you there on July 19, 1866? A Yes sir.
Q Was Col. Bryant there? A Yes sir, I was there until '67.
Q What time did you leave there in 1867? A In the latter part of July, '67.
Q Did Col. Bryant also leave at that time? A Yes sir, we left together.
Q I believe you stated that Col. Bryant didn't force either of these families to start with you from Warren to go to Mexico?
A No sir he didn't.

BY MR. BLUE:
Q You also stated that Burrell Daniels and his family were slaves at that time? A Yes sir.

BY THE COMMISSION:
Q Is Col. Bryant dead? A Yes sir.
Q When did he die? A About 1899 or 1900, I couldn't state which.
Q Only about 5 years ago? A Yes sir, just about 5 years ago.
Q Where did he die? A Up there at Chetean.
Q How far is Stockton from Tahlequah? A It is a long ways.
Q What is your best judgment? A I would say about 800 miles.
Q Up until you reached Fort Stockton Burrell Daniels and his family were slaves? A Yes sir.
Q How many of these slaves that were liberated at that time returned to the Cherokee nation at once, all of the slaves you had with you, did you take them all to Mexico? A About all, yes sir, I don't believe but two of them came back when we did.

Q Is it a fact that the slaves that you had at Warren were all with you still at Fort Stockton and they were still with you when you went into Mexico? A Yes sir.
Q And they were with you in Mexico? A Yes sir.
Q The party wasn't broken up at all? A Not until we made a step in Mexico.
Q Do you know how far Warren, Texas, is from Fahlequah? A It is a little more than 200 miles.
Q How far is Fort Stockton from Chihuahua? A It is about 400 miles.
Q How far is San Antonio from Fahlequah? A It is about 600 miles.

W I T N E S S E X C U S E D.

J. H. BAUGH, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A J. H. Baugh.
Q What is your post office address at present? A Muskogee just at present.
Q How old are you Mr. Baugh? A I am 80 years old.

BY MR. HASTINGS:
Q When were you first married? A In 1854.
Q To whom were you married? A To Charlotte Bryant, Bryant's oldest daughter.
Q Was she the eldest daughter of Col. J. M. Bryant? A Yes sir.
Q You are a brother-in-law of Mr. Lindsey who just left the stand?
A Yes sir.
Q Were you living near Col. Bryant when the war came up? A Well yes I was, Bryant lived on the east side of ~~Grand~~ Grand River and I was most of my time, ---Bryant lived on the west side of Grand River I should have said, and the most of my time I was over in the hills near Spring Creek running some saw mills.
Q Do you know Burrell Daniels? A I used to know a negro by that name, I wouldn't recognize him now.
Q Did he have a wife named Miranda? A Yes sir he had a wife, I don't recollect what her name was.
Q When did you first know these colored people? A Well my recollection is pretty bad about the dates or anything of that kind.
Q Was it during the war or before the war? A It was during the war.
Q Where did you know them? A I knew them on Frog bayou I think first, or Cashess Creek.
Q Where was that, in what State? A In Arkansas.
Q Did they belong to Col. Bryant then? A They did.
Q Where did you know them, if you know them, at all just after the war? A Out on Red River in Fannin County near Denham in Texas.
Q Where were they when the war clease, were they there when the war closed? A Who, them niggers.
Q Yes? A Yes sir.
Q Where was Col. Bryant's family? A They were on the east side of Red River at what is called Horse Prairie not very far from where Simpson Pulson used to live in the Choctaw Nation. They went over into Texas then and fixed to go to Mexico after the surrender.

Q Did they go to Mexico? A They did.
Q Do you know whether this family of Burrell Daniels and his family went with them or not? A She did.
Q Did he? A Yes.
Q Where did they start from the go to Mexico? A They started from out there not far, it is on the east side of Red River.
Q Do you remember the town of Warren, Texas, how far is it from it? A I don't recollect any such town as Warren.
Q Your memory is bad about these names and dates? A Yes sir very bad.
Q You were along with Mr. Lindsey when you started were you not?
A Yes sir.
Q Did Burrell Daniels and his family go with Col. Bryant and your family? A Yes sir, they did.
Q State whether or not that he went with him voluntarily or how he went? A Well there was no complication as I know of, if there was any I don't know it, of course there was a crowd of us all went together and I don't know of them compelling any one to go.
Q About what time of the year did you start to go to Mexico?
A It must have been the latter part of May or the first of June, I am not certain, I think it must have been the latter part of May or the first of June that we started to Mexico.
Q Was that in 1865? A '65, yes sir.
Q After you got to Mexico what became of Burrell? A He stayed around there with Bryant's family awhile then Burrell, he skipped out and went into Chihuahua, we lived 6 or 7 miles from Chihuahua and they went up there.
Q Who went up there? A Burrell and his family.
Q How long had they been there with Col. Bryant when Burrell Daniels left and went up to Chihuahua? A Couldn't tell you.
Q Well was it a short time or considerable time? A I suppose it was a month or two, I don't know exactly.
Q What did Col. Bryant do about it? A He sued them, he claimed that he had a contract, I don't know anything about that part of it, they had agreed to pay him for their transportation across the plains and when they runed off, they were to work for this transportation, work for Bryant. When they runed off then he entered suit against them and got judgment and Burrell didn't have the money to pay it and he got Governor Terrazas to pay the amount, whatever it was, and agreed to work for Terrazas until he paid the debt.
Q You say Burrell got Terrazas to pay the debt? A I suppose he did, I don't suppose he would have paid it unless he asked him to do it.
Q Did Col. Bryant have anything more to do with Burrell Daniels after that? A Not that I know of.
Q Were you a witness to that contract that Daniels was to pay him for his transportation? A No sir.
Q You only heard that there was a contract entered into? A Yes sir
Q Do you know of Col. Bryant getting judgment against him in the Mexican court? A Well I was not a personal witness to it but that was my understanding.
Q You were there, a member of the family at the time? A I was living in Chihuahua at the time and Mr. Bryant and his family lived about 4 or 5 miles east of Chihuahua.
Q How long did you remain down there in Mexico? A I stayed there nearly two years, I lived there in until in June, 1877.
Q 1867 you mean? A '67, it was June '67.

Q Did you all leave Texas to go to Mexico with the intention of living there at first? A That was our intention, then matters were not settled here and we didn't know how things would go in this country so we went to Mexico, and I always wanted to go to Mexico anyway, so it just suited me.
Q Did you ever see Burrell after Col. Bryant got judgment against him and after he went from under his control? A I wouldn't answer that question because I can't recollect what, I may have seen him, but I don't recollect.

BY MR. BLUE:
Q How old are you Mr. Baugh? A 80.
Q How long have you resided in the Cherokee Nation? A 58 years.
Q From what place did you come to the Cherokee Nation? A I came from Texas here.
Q Have you lived here continuously ever since you came, except what time you were in Mexico? A Yes sir, I have been in the Cherokee nation most of the time and I have been here all of the time except once in a while I would go down to Texas and stay a month or so.
Q Were you in the Confederate services? A Yes sir.
Q In what Confederate regiment? A In Stand Waitie's regiment.
Q Did you at any time serve in Col. Bryant's regiment? A No sir.
Q Was Col. Bryant a Cherokee? A No sir only had a Cherokee family.
Q He was a Cherokee by adoption then? A I suppose you would call it that. I don't think they are adopted any more.
Q He had been recognized as a Cherokee citizen? A Yes sir.
Q And you married his daughter? A Yes sir.
Q His wife was a Cherokee woman? A Yes sir.
Q Have you been recognized as a Cherokee citizen and enrolled as such? A I have been enrolled as a Cherokee citizen.
Q Then you have been treated and regarded as a Cherokee citizen ever since your marriage to Col. Bryant's daughter? A Yes sir.
Q Where did you join Col. Bryant's party that went to Mexico after the war? A Somewhere out there west of Denham, I think.
Q That was in Texas? A Yes sir.
Q Was it at a town or village or city or some camp? A He just camped out.
Q Now when you joined that party, who if any one, joined with you?
A Well now then here, I will state the case this way; there was Bryant and his family and Bryant had a lot of men along with him, soldiers that was in the war that was going to Mexico with him and we all camped over there on the other side of the river together. I don't know as I joined the company any more than any one else, I just went along with my family.
Q At the time you started, this party of you people for Mexico, about how many were they of you? A I suppose there was about 50.
Q Well of that 50 people how many of them were ex-confederate soldiers? A I don't know, there was I suppose 15 or 20 perhaps that went along that was part of the way out there and they branched off and some of them I think went up toward El Paso.
Q Where did they branch off from you at? A They branched off at, my recollection is very bad, - well now I think it was about yet Stockton somewhere along there, that some of them left us.
Q About how many of them left there, if you remember? A I don't remember.
Q How did you travel from this place in Texas over to Mexico?
A We went in wagons and teams.
Q Any of you on horse back? A There was a good many of these boys that were with the family went along horse back.

Q Were you a slave holder in these days? A No sir, my wife had a little negro girl.
Q Was she along? A She was along.
Q What became of her? A She died in Mexico, I think those Mexicans poisoned her.
Q Was she sold into slavery in Mexico? A No sir.
Q Did she live with you after you got to Mexico? A Yes sir.
Q Did she live with you up until the time of her death? A Yes sir.
Q How many slaves did Col. Bryant have with him of his own slaves from the time you started to old Mexico? A I don't know exactly, how many I couldn't tell you. They took outthere--there was one family that belonged to his mother--let's see-- there was 3 or 4 of them maybe, I don't recollect exactly how many, I can't remember.
Q Did he have Burrell Daniels and his family along with him?
A Yes sir.
Q Burrell at that time was his slave? A They were when they started from here until the surrender came, there was no slaves after that.
Q What did he do about the matter when he got over to Fort Stockton? A Of course the understanding was that Mexico was a free state, and that this fellow Burrell and his family agreed to pay his transportation to Mexico and he was to work out the money.
Q That is for carrying him over to Mexico? A Yes sir.
Q When he started Burrell was his slave? A If there was any slaves after the surrender.
Q Burrell understood he was his slave at that time? A Yes sir.
Q And he held Burrell and his family in slavery until he got out to Fort Stockton? A I couldn't say.
Q Did he out at Fort Stockton make some kind of a release of them and brought them over there? A I couldn't testify to that, I wasn't present at the time it was done but that was my understanding.
Q At that time he agreed to free them and he was to pay him for carrying them across there? A Yes sir.
Q And that contract was he was to work out that bill over in Mexico when they got there? A Yes sir.
Q And after they got there it seems that Burrell went up to Chihuahua and refused to carry that contract out? A Yes sir.
Q And then he proceeded under the Mexican law against Burrell there? A Yes sir
Q What government was in control of Mexico at that time? A The Liberals.
Q Was it a government of the Mexican people at that time or Maximillian? A It was the Mexican people.
Q Do you remember what year that was? A That was in '66 I think, I was there in '66 and '67, and I think it was in '66.
Q Do you remember when you and Col. Bryant 's party passed into old Mexico? A Very well.
Q What was that date ? A I don't recollect the date but I recollect the time.
Q You say you started in May or June of 1865 from Texas? A Yes sir
Q How long were you on the way? A Well we must have been maybe 3 or 4 weeks, I don't know for certain, I can't recollect.
Q Then you probably crossed over into Mexico in July or August of 1865? A Yes sir.
Q Do you remember of stopping at some springs up near the line?
A At Leon Holes.

Q I will ask if when you started from Stockton what place in Mexico did you intend to go? A Our calculation was to go to the State of Sonora Senora, then we aimed to go to Chihuahua, after that we give out going any further.
Q Don you remember at stopping at some springs about 20 or 30 miles of the line either Cotton Wood Springs, or some such springs as you stopped? A It was no place, only a hollow between two hills.
Q You camped there didn't you? A We camped there a little while.
Q Now as a matter of fact during the time that you were in Mexico up until just before you left there Maximillian was the emperor of Mexico was he not? A Well I don't know that he was, he was not recognized in Chihuahua at all.
Q He had the capital city and was in control of the government?
A Yes he left the capital at Chihuahua was in control of the Traderas, that was a traitor to the Mexican government.
Q At any rate he was an adherent of Maximillian? A Yes sir.
Q And the City of Mexico and the government was in the hands of Maximillian? A The City of Mexico might have been, but Chihuahua where we were was in the hands of the French.
Q How long did you stay there all together? A A little less than two years.
Q When you returned from Mexico, who, if any one, came back with you? A No one came back with me but my family, my wife and children.
Q When you came from Mexico to what place did you return? A I stopped up on Grand River.
Q I mean did you return to the Cherokee Nation? A Yes sir, to Goweseecowee District.
Q So far as the contract that was made between Col. Bryant and Burrell Daniels andhis family you know nothing only by heresay?
A Nothing at all.
Q When did you first see Burrell Daniels that you remember? A I couldn't remember that.
Q Where did you fist see him? A Couldn't remember that.
Q Do you know that Col. Bryant's family was down in the Choctaw Nation during part of the war? A I do.
Q Were they in Arkansas too? A Yes sir, they were at Evansville.
Q Do you know whether they lived in Texas during the war? A Not only when they went over there to go through.
Q During the time you were on this trip from Texas to Mexico, what did Burrell Daniels and his family do on the trip? A I think Burrell maybe drove a team.
Q Wasn't he a blacksmith? A If he was, I don't know it.
Q What did his wife do on that trip? A I don't know unless she helped the women cook.
Q As a matter of fact Burrell Daniels and his wife worked for Col. Bryant all the way over there? A I guess they did.
Q You also had a herd of cattle that you subsisted on? A Yes sir we carried some beef cattle along with us.
Q And some cows? A Beef cattle principally.
Q About how many did you have with you? A About 50 or 60.
Q Did you have any oxen with you? A Yes sir, I had an ox team.
Q State if you know why Col. Bryant's family during the war sometimes lived in the Choctaw country? A Just cause they couldn't live up here.
Q Why couldn't they live up here? A Cause they were southern people.
Q And then they lived down in Arkansas and the Choctaw country to get out of the way of the Yankees during the war time? A That is what they did.

Q You say you don't remember when you first saw Burrell? A No sir.
Q Do you remember anything about his belonging to a man by the name of Daniels at the commencement of the war? A No sir, I knew some Daniels.
Q Did you ever know anything about his belonging to a man by the name of Johnson Thompson? A I knew Johnson Thompson.
Q When when you first saw him he was with Col. Bryant? A Yes sir.
Q Did you during that time see Col. Bryant in the Choctaw Nation at that time? A Bryant was there part of the time.
Q Do you know whether or not he left the Choctaw Nation to go to Texas at the time he started to Mexico? A He left the Choctaw Nation to go to Texas.
Q Did he go from the Choctaw Nation over into Texas before he started to Mexico? A That was my understanding.
Q Were you with him in the Choctaw country? A I was then about 3 or 400 yards of where his family lived.
Q Then you saw him in the Choctaw country before he crossed over into Texas? A Yes sir.
Q About how many slaves did Col. Bryant have in his party when he started to Mexico? A I don't know, I suppose 15 or 20, I couldn't be any ways correct, I never paid any attention to it.
Q There was something like 15 or 20 then? A I think so.
Q Now outside of Burrell Daniels family what family of the rest of thise slaves did you know? A Some of them went to Mexico.
Q Are you sure about that? A I don't know.
Q As a matter of fact didn't your party including these slaves after they got down there to the line, didn't you all first cross over into old Mexico, slaves and all? A They all went with us. Q Now you say the slave girl that belonged to your wife died in old Mexico? A Yes sir.
Q Now outside of Burrell Daniels family what became of the rest that were carried into old Mexico? A Some of them came back and some of them stayed.
Q Did you ever see any of these that came back? A I have.
Q Who were they? A One was a negro woman named Nettie that belonged to Mrs. Buffington.
Q What was the name of the other? A That came back, I don't know of any others. Lets see, I believe Nettie is the only one that I recollect of seeing to come back.
Q Where is she now if you know? A Up here about Choteau.
Q Is she living still? A She was a year or two ago.
Q Do you know about how far is it from Chihuahua to Wahlequah?
A No sir I couldn't tell you.
Q About how far was it from Chihuahua to San Antonio? A I think it is about 7 or 800 miles, maybe 900, let me see, it is from Chihuahua to Fort Davis is about 200 miles, and from Fort Davis to San Antonio I think is 500 miles. Well it is about 7 or 800 miles from Chihuahua to San Antonio.
Q Now can you give me an estimate of the distance from San Antonio to Wahlequah? A I would have to get a railroad map and figure it up.
Q When you reached Fort Stockton with this party about how far were you from the Cherokee Nation? A I would have to have a pencil and map to tell that.
Q About how many miles do you think it was? A That is too hard for me.
Q Now when you travelled over that country from this point in Texas from which you started to Mexico by the route you took, was it a settled country or wild and desolate country? A It was settled until after you left the Colorado River, out west

here at the head of the Concho River there was no settlement there until you reached the Rio Grande. It is considered 90 miles from the head of Concho River to the Pecos, that distance is a desert, no water.

Q When you had to carry water over there? A Yes sir.

Q Then that country was a wild and part of it an arid country where you crossed over? A Yes sir.

Q How did you subsist while you travelled over there? A We subsisted on meat and bread and water.

Q Did you carry the bread with you? A Of course we carried flour and we had the beef and salt.

Q I understood you say that just prior to Mr. Bryant's starting to Mexico you and he lived near each other in the Cheotaw country? A Yes sir, my family and me and Bryant's family we lived close together awhile.

Q How long did you live there before you went over into Texas? and started for old Mexico? A I expect about 12 months maybe.

Q Did all these negroes that he had with him there in the Cheotaw nation, did he take with him to Mexico? A I couldn't say.

Q You don't know of any of the negroes that were with him there, that he didn't take, do you? A No sir.

BY MR. HASTINGS:

Q Now how many negroes did he get into Mexico with that you remember, your best judgment, about that? A I expect about 10 or 12.

Q Was there more than one family besides Burrell Daniels's family?

A Yes there is there was some other niggers, I don't know as any of them had any family they were mostly women.

Q Did they belong to Col. Bryant or some other members of the party? A Yes they belonged to Bryant and some, there was one that belonged to Lindsey's wife, and one belonged to Mrs. Buffington, a girl, and one that belonged to my wife.

Q Now I will ask about these slaves that Col. Bryant took over there, did he have any other besides the Burrell Daniels family and one other family? A Lets see, I think there was two other girls, maybe they called one Rainy and another girl,-- I forgot her name.

Q All of Col. Bryant's original slaves did not go to Mexico did they? A No sir, I guess not.

Q And they all didn't start with you to Mexico? A No sir.

Q You were not present when that contract was signed with Burrell Daniels to pay back his transportation to Col. Bryant? A No sir, I was not present.

Q But you understand one was signed? A I couldn't recollect knowing about the contract, only it was my understanding that there was a contract of that kind.

Q And he sued him and got judgment upon this contract? A Yes sir.

Q Now you were asked about your citizenship and that of Col. Bryant awhile ago and you laughed, why was that, is your citizenship a proposition that is in question, the intermarried whites of this country, there rights is in the Courts isn't it?

A Yes sir I guess so.

Q Well I am asking you, Col. Blue was asking you about whether you were a citizen and whether Col. Bryant was a citizen? A

A What I was laughing about he asked me if Col. Bryant was an adopted citizen, well I don't know whether he had ever been adopted or not, he was married into the Cherokee Nation.

Q He was a white man himself? A Yes sir, he married a Cherokee woman but whether or not he had ever been adopted I don't know, adopting and marrying into the Cherokee people is a different thing aint it.

Q Do you know from whom Col. Bryant bought Burrell Daniels? A No sir I don't.
Q Now didn't you answer awhile ago that the first time you saw Burrell Daniels was in Arkansas? A It appears to me that he must have been out on Frog Bayou, he rented a farm down there, maybe in '63 down on Frog Bayou, and he had some niggers on it, whether Burrell was amongst them, I don't know but maybe he was.
Q That is your impression, but you don't know? A My recollection aint very good.
Q How old are you now? A I am 80 years old.
Q Your recollection about these dates is not very good? A No sir.
Q What became of the rest of those slaves that Col. Bryant had and subsequently went with him to Mexico, what became of them?
A Well when I left Mexico they were in Chihuahua, that is all I know about them, I don't know, I didn't come back with Bryant's people.
Q Did you come before him or after he did? A I started before he did.

BY THE COMMISSION:
Q How many Cherokee families were in this party that went to Mexico? A I don't know, lets see, in our crowd there was myself, was the oldest one, Lindsey and Buffington and Bennett, and Bryant himself.
Q They all had families did they? A Yes sir.
Q This party was then composed of Col. Bryant and his children and their families together with some of their slaves? A Yes sir.

BY MR. HASTINGS:
Q Was Buffington and Bennett sons-in-law of Bryant? A Yes sir.

BY MR. BLUE:
Q Did Col. Bryant have any of the slaves of his mother along with him? A Yes sir.
Q How many were they of them with him when the party went to Mexico? A Three I think.
Q Were those the girls you were speaking of awhile ago? A Well there was one nigger ~~xxxxxxxxxxxxxxxx~~ man named Abe, he stuttered very bad, you could hardly understand him at all, and then there was a nigger girl, Nealie and then the old woman, I don't recollect whether she was living or not.
Q What became of the other slaves of Col. Bryant that you say you and he didn't take to Mexico with him? A I don't know.
Q Had they runed off? A No sir I think not.
Q Where do you think they left them? A I don't know, some of them,--lets see---I don't recollect.
Q As a matter of fact Mr. Baugh Col. Bryant took all the slaves he had with him when he started to Mexico? A No sir, he didn't.
Q Where did he leave any of them? A Well he left some of them on Red River I think.
Q Before he went down into the Choctaw country? A No sir, before he went to Mexico.
Q Had he sold them? A Yes sir I think he sold them to some fellows there for beef cattle.
Q Not the slaves? A These fellows that bought them I think were Yankees and they thought they would be allowed to keep them I reckon.
Q And you mean to say that he took all the slaves except what he sold at that time, did he? A Yes sir.

Q Had all these sons-in-law of Col. Bryant that were with him there in that party been in the Confederate army? A Yes sir.
Q About how many more Confederate soldiers were there with him before he started to Mexico besides his sons and sons-in-law?
A Well I can't recollect there was some fellows, a little company I think there some men that started out that was but I don't know where they left us.
Q What was his name? A I think it was Captain Steward.
Q Did he have a company of his own? A Yes sir a small company, they all had left him but 10 or 15.
Q Then there was his company of 10 or 15 and Col. Bryant and his sons-in-law that started to Mexico? A Yes sir.

BY MR. HASTINGS:
Q You don't know how far he went with you? A I don't recollect where he left us.
Q Who all got to Mexico with you or do you know? A There was Bryant's family and his sons-in-law and there was some other fellows that fell in with us, several that fell in along.
Q So you don't remember the names of the parties? A No sir.

BY MR. BLUE;
Q Did any other fellows that fell in take in slaves to Mexico?
A No sir.

W I T N E S S E X C U S E D.

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R. W. KINDRICK, recalled by Cherokee Nation:

BY MR. HASTINGS:
Q Did you witness that written contract that was made between Col. Bryant and Burrell Daniels that was made at Fort Stockton?
A Yes sir.
Q And it was made to cover the expenses and transportation of Burrell Daniels and his family? A Yes sir.
Q And you were a witness to it and signed it as a witness? A Yes sir.
Q Of course you donIt know what became of that contract? A No sir.

BY MR. BLUE:
Q Did any of these colored people sign that contract themselves?
A No sir they signed it by mark.
Q Who wrote the names? Lem Smith and Joe Bennett and myself witnesses it.
Q Who was Bennett? A A son-in-law of Col Bryant.
Q What was Smith doing with the party? A Smith was an old friend that went with us.
Q He was an exconfederate soldier was he? A Yes sir.

BY MR. HASTINGS:
Q Daniels thouroughly understood the nature of that contract?
A Yes sir.
Q It was explained to him? A Yes sir.

BY MR. BLUE:
Q Who explained it to him? A Col. Bryant.
Q What was the contract? A It was that he was to pay so much money for the transportation of himself and family into Mexico, and tha he was to work it out at the contract price, I don't know whatever that was, can't say about that.

BY THE COMMISSION:
Q What was this Fort Stockton, a small village or what was it?
A It was a small kind of a barracks it was, I suppose built to accommodate one or two companies for their protection, it wasn't very old, It was put up there during Buchannan's administration.
Q What was the nearest town to there? A I couldn't say, El Paso was about 200 miles.
Q What kind of a country was there around Fort Stockton? A There was prairie country .

BY MR. HASTINGS:
Q Were there any soldiers there at Fort Stockton? A No sir, and hadn't been for quite awhile.

BY MR. BLUE:
Q What was an abandoned fort then? A Yes sir.
Q What was the nearest settlement to that fort at the time you were there? A I said El Paso or Presidio de Norte.
Q About how far was it? A About 200 miles.
Q Was there any houses in between these? A We ll it was quite a distance to any of them.
Q This place you spoke of as Presidio de Norte is it near what is El paso? A No sir, it was way down the river.

J. H. BAUGH RECALLED:

BY MR. BLUE:
Q In answer to a question of Mr. Hastings you said that Burrell Daniels asked this Governor of Chihuahua to pay this judgment, you don't know anything about that do you Mr. Baugh? A All I know about it is that it was my understanding that Governor Terasso paid Col. Bryant for their transportation because Burrell agreed to work the money out and he went to Terrasso's ranch, sheep ranch and took care of sheep.
Q What I want to get Mr. Baugh you don't know how that happened to be done, you don't know anything about Burrell requesting it or anything of that kind? A No sir just my understanding.
Q Your understanding as I get it is that the Mexican Governor did pay that and took these people and put them out on the ranch? A No sir, I don't know about them, but I am satisfied that he never did without being asked.

BY MR. HASTINGS:
Q Why are you satisfied? A Well if he hadn't I think I would have found it out.

C H E R O K E E N A T I O N R E S T S.

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This case was here continued until 1:15 P. M. this day.

The following testimony was introduced on behalf of the applicants:

BURRELL DANIELS, being first duly sworn, testified as follows:

BY MR. KLUE:

Q What is your name? A Burrell Daniels.
Q Are you the same Burrell Daniels that has testified before in this application? A Yes sir.
Q Did you know Col. Bryant? A Yes sir.
Q Where did you first know him that you remember? A When I lived up there on Grand River.
Q Did you know him before the war began? A Yes sir.
Q Did he ever after the war began get control of you? A After the war began, a long time after it commenced I was put with him with his command, me and a whole drove more.
Q Who put you there? A Our owners put us there to keep us out of the way of the Yankees.
Q Was that all done at once or from time to time? A Done when they had us on a retreat down here when we got out here about Skelleyville, Choctaw Nation.
Q Did you have a family then? A Yes sir.
Q Where were they? A My wife belonged to Johnson Thompson, and Lewis and Abraham, and Tom and Sarah I believe they were my oldest ones, and Nancy.
Q What became of your wife and children when you were put with Col. Bryant? A They were with the white family, with Mr. Bryant family.
Q Do you mean by that that Col. Bryant took charge of you and your family? A He told us all the time we were with him to keep us out of danger.
Q Were your family with him the same as you were? A Yes sir, they stayed with his wife and he taken me out in the army with him, and the rest of them worked around the family.
Q How long were you with him during the war? A I think it was over two years, while the war was going on.
Q Do you remember being with him in Arkansas at any time? A That was when he first put us with him.
Q At what place in Arkansas? A On Frog Bayou below Van Buren.
Q Who had that place in control at that time that you know of?
A I don't know who was the owner of it, it was turned over to him.
Q Turned ver to who? A Mr. Bryant, I didn't know he was the owner but he took charge of it and put in a crop there, but I don't recollect whether he gathered the crop or not.
Q Did you work on the farm there? A Yes sir.
Q Did these other colored men work there too? A Yes sir, I worked there but most of the time I was out with him.
Q What did you do with him when out with him? A I cooked and drove a six mule team.
Q After you left Frog Bayou to what place did he take you? A He carried us over to Fort Smith and camped a day or two and then we were taken down the Arkansas River to Dardenell and before the winter was out he carried us in below Doaksville, and then after a while he carried us up above Doaksville.
Q Where were you in down there about Doaksville? A In the Choctaw Nation on the Red River.
Q At what place in the Choctaw Nation did he keep you at the time he had control of you? A We were down there below Doaksville awhile and moved from there above Doaksville on the Red River and stayed there until the war ended, moved the family up there, the colored family and his family.

Q You were then in the Choctaw Nation were you? A Yes sir.
Q About how many colored people did he have there in that neighborhood at that time? A He must have had about 30 or 40, something along there, little and big.
Q Do you know to whom these colored people had belonged before that time? A Some of them had belonged in the Nation here, and some of them belonged to some persons in Missouri, and some of them belonged to somebody on Grand River, and some of them were his own.
Q Do you know whether any of his mother's slaves were along? A Yes sir his mother was along with him.
Q Col. Bryant's mother? A Yes sir.
Q Did you know a Mr. Baugh, a son-in-law of Mr. Bryant? A Yes sir.
Q Do you remember any other sons-in-law? A Yes sir, Mr. Lindsey, John Buffington and Joe Bennett.
Q If he started to old Mexico from what place did he start? A
A From up there above Beaksville, he never started until the war ended and everybody was going home, he come and told us to get ready we were going to march and he marched us over into Texas, and some of the niggers were talking about running off when he said he was going to take us along, and he said he was going to kill the niggers that runed off, and Joe Bennett told him to kill old Burrell and he wouldn't have any trouble, and he called me up and asked me if I was trying to get them to run away and told him no, and they took us then and carried us further over into Texas and they was cutting wheat with cradles and we worked there and after this and started out for Austin, Texas, and when we get to Waco and crossed the river and got on the other side of Waco, and camped, his men went back into town and broke into the stores and he had to leave there, and then struck out for Austin and was going to Austin met a runner stating the Northern troops were in Austin and then struck out across the plains.
Q Where did he go to then? A He travelled I reckon about two weeks, got clean out the settlement and camped, picked out some of his best men, Captain Stewart, Lieut. Thomas, Lieut. Patterson and sent them back to east Texas and they brung out 1500 head of cattle.
Q About what place was it that they went back after the cattle?
A I couldn't tell, it was way out on the plains quite a goods ways from any settlement.
Q What did they do with that 1500 head of cattle? A Carried them along with us and a crowd got after us and we were two nights and days without anything to eat or water.
Q You mean to say he and his party and stock travelled how long?
A Marched us all night and all day, told us we had to keep kicking there was a crowd after us.
Q What did you do then? A Travelled until he thought we were out of danger and then camped so as to let the stock graze and after a day or so started on again.
Q Did you continue to travel? A Yes sir, until we get to, I don't know exactly how long we travelled, we travelled until where the United states used to have troops and there he stopped and rested awhile. He stopped there like this evening and the next morning made us all form a line and told us to come up and sign a paper he had made.
Q Who do you mean by saying all? A All the colored men.
Q Did you form the line? A Yes sir.
Q Then what did he say to you? A Said to sign this paperand the first nigger kicked why he would kill him and let the wolves eat his bones, and when we got to Mexico he was going to put us on a farm and get even with us.

Q What did he do there when he had you in line and told you that?
A Nothing but to sign it.
Q Did you sign your names? A No sir, he signed it and we touched the pen.
Q Was there anybody there with you who saw it? A Yes sir I have a boy there.
Q Do you remember any white men? A Yes sir, his soldiers and all his sons-in-law.
Q How many of his soldiers did he have? A I don't know exactly, had a little squab of them, maybe 35 or 40, maybe more.
Q were they armed or not? A Yes sir all had arms.
Q How did you travel across that country? A All of them colored men were driving mules teams.
Q You say his sons-in-law were there when you signed this paper?
A Yes sir.
Q Were they armed or not? A Every one of them were armed, they had the arms on them that were in the war with.
Q Do you remember Lindsey one of the sons-in-law? A Yes sir.
Q Was he there? A Yes sir.
Q Do you remember whther he witnesses the contract or not? A Yes sir they were all there.
Q Now you state to the Court whether you went with him to Mexico of your own free will? A I did not, I have got to die before long, and it would not be honorable for me to tell a lie. He made us go.
Q Was that true of all you colored people? A Yes sir.
Q About how many of you men that he made sign that contract that day
A Me, Tom, Joe, Uncle Edwin, I think there was six of us, just the men, no women.
Q At that time about how many colored people did he have with him out there at that fort? A He had a lot of women and children, every one of them had children, about two or three girls.
Q Are you able to state about how many there were of them? A My woman I think had Lewis, and Abraham, and Tom, and Amey, and I think Sarah, and then there was another woman along that had two children but as he was going trough Texas he sold Rainy another children and the balance he carried on.
Q To whom did Uncle Abe belong? A Mr. Bryant.
Q To Mr. or Mrs. Bryant? A I guess to Mrs. Bryant.
Q Is that the old lady? A Yes sir.
Q Col. Bryant's mother? A Yes sir but he had them with him all the time.
Q How did those colored people that were with him at this fort all go over into Mexico too? A Yes sir all went over into Mexico when across the Rio Grande travelled on about 160 miles from the Rio Grande camped us there by a Mexican French called Tallieps.
Q How far was that from Chihuahua? A One mile.
Q After you got to Mexico what occurred in regard to you colored people over there? A Every day or two a Mexican would come out in fine carriages and carry off the girls and boys and told him they would pay him so much money apiece for them, and asked him if they were citizens. I got up one night about mid night and went up to the city and hid them.
Q When what occurred? A I suppose he went before the French general and taken oath of allegion and had a writ issued from the French and come and arrested me and marched me and my family down the street and an American Merchant there met them and told them he had runed off with us, that we were free when we left here and that throwed it into court.
Q Told them Col. Bryant had runed off with you? A Yes sir.

Q Then what was done? A While they were trying the case stepped in a little man very fine dressed and he come in and asked Mr. Bryant and talked French, Mexican and English and said he wanted to have a word to say to Mr. Bryant and asked him when he started from the States with these niggers and he told him and he asked him how long you were crossing the plains with these niggers, and he said three months, and asked him how come him so long and he said took it slow and asked him what this man was doing here, and he said drive my team, he asked him what kind of a team and he said six mule team, he asked him what did these nigger women do and he said waited on my mistress, and he asked him what these little boys did and he said drove my stock; and he said he runed off with these niggers and he sent a runner to Maximillian that he runed off, and the runner come back and Maximillian said let them be and he turned around to the court and asked him if it be that, and he asked Mr. Bryant how much they owed him, and he said $500.00, and he asked him if any niggers ever owed his master, and Mr. Bryant didn't answer, and he turned around to the French officer and told him to sum it up so much a piece for this man, woman and they sumed it up and knocked it down to $113.00.

Q They put that in as a counter bill against Bryant's claim? A Yes sir.

Q What reduced it to $113.00? A Yes sir, and the Mexican Governor got up and said I have no say so, if I had I would have turned them loose when you first come here and he paid the $113.00 and sent us out on the ranch.

Q Was that the man before whom you were tried? A That was the Mexican Governor, he put us out on the ranch and worked us 5 or 6 years, they give me $6.00 per month, my wife didn't get nothing and my little boy sometimes would get $1.50 per month to herd sheep and while I was working there, I was on the road which runed from Chihuahua to El Paso come a man moving his store from Santa Fee and he asked me what we were doing there, and he said my wife is from New York and I am going in and pay you all out from here, and I will give you a chance to get out of here, and went on in, and a Spanish man come to the ranch and said the Mexican Governor said for us to come to the city and asked what he paid for us and he paid $250.00, and we went to work, she nursed for the madam and I cooked.

Q What is this party that paid you out? A Yes sir, he give us $8.00 a month apiece, and we worked this $250.00 out with him.

Q Then what did you do? A When I got through that I worked around my wife was expecting to be confined and after a month until she get straight and I left her there with Mr. Green, a lumber man and I followed a train of wagons from the City of Chihuahua to the Rio Grande and the Government had wheat shipped out of Mexico.

Q What Government? A The United States Government, grinding it for the forts up and down the Rio Grande.

Q You say the United States Government had wheat shipped out of Mexico? A Yes sir they shipped wheat and had a mill right on the bank of the river.

Q Grinding the wheat for the use of the United States soldiers?
A Yes sir.

Q When you got through there, what did you do? A I went to work there and I cooked for the boys and worked in the mill of nights for about ten months and kept money going back to my family to keep them up and finally come a Mexican train from San Antonio, Texas, went into Chihuahua and he promised to bring my family to me for $15.00, and he brung them to me for $15.00, and they stayed there

with me until another train came along, and American one and an Mexican driver by the name of Mr. Grover, and they went on to the City of Chihuahua and when they returned back I told them that I wanted to go to San Antonio with them if I could. I told them I had a big family but didn't have enough money to pay them and he asked me if I could shoe mules and I told him yes, and we crossed on the train, and every time we stopped and rested I would shoe 5 or 6 mules, and when we got to the City of San Antonio, I went to him and asked him what he would charge me and he looked at me and laughed and said, you have done better to me than the blacksmith ever done, and he said the mules were better shod than they ever was, and he gave me $10.00 and told me to go and rent a house.

Q That was at San Antonio? A Yes sir and after I left the Rio Grande and got to Fort Davis the United States give me rations to Fort Stockton and there they give me rations to Fort Clarke, and there they give me rations to San Antonio.

Q That was when you were travelling with the train? A Yes sir.

Q What did you get working there at the mill for the Government?

A I got $25.00 a month and sent a big part of it back.

Q When you reached San Antonio how much money did you have?

A I don't guess I had any.

Q You got $10.00 from that train master? A Yes sir.

Q Outside of that did you have any other money of any consequence?

A No sir, I don't think I did.

Q What did you do there at San Antonio? A I went to work there I reckon about a year and not being used to the climate and water I took down and was down to near a year and the City Doctor had given me up to die, and I was very sick and the Doctor came around from New Orleans and took hold of me and stayed with me until I got up.

Q How during the time you were down sick did your family do anything? A My wife washed and the boys worked around the hotel.

Q Did they save up any money while you were sick? A When I got up I borrowed the money and paid the doctor bill from a policeman named Sol White loned me $25.00 to pay my doctor bill and as soon as I got able to I went back 25 miles from San Antonio on a ranch and went to work, me and the boys.

Q How did you work there? A Put in grain and cotton on the halfe r and the first year I came out a little in debt.

Q Now you tell what this farm contract was that you worked under?

A The rent was half renters and I don't care how much you made everything you ate came through their hands and you had to sell what you raised to them and when you got through they might say you were ahead or you were in debt.

Q When you say half rents that means half you raised and when you went to the stores you bought the stuff from them? A Yes sir.

Q Then at the end of the crop season what was the consequence, how did you come out of it? A At the end of the crop season he said I owed him $300.00 and took the crop for it.

Q What did he say about you coming away? A He would not let us come away, we were in debt a little more and said we had to stay there and put in another crop and we did stay and we put in another crop and took up and I left any how.

Q Where did you go then? A Back to San Antonio.

Q Then what did you do? A Worked around there awhile until I got a little money and there happened to be an excursion starting out and the old lady said she wanted to come home and we taken that excursion train and stayed on it until we get to Wimar, Texas and they put us off there.

Q Now you said you loaded up and went down to San Antonio, did you have a team there? A No sir I never had any team.
Q What did you have there? A I hired a man to haul us away.
Q Did you have any money at that time? A No sir didn't make any, didn't get any out of the crop.
Q The owner still claimed you owned him? A Yes sir and after I get to San Antonio he came in and told me if I would come back and go to work he would give me $30.00.
Q Now then when you get up to Wimer what did you do then? A I went up to a place near Holdman Valley and raised cotton.
Q Was that in Texas? A Yes sir Page County, near Wimer I put in a crop there and gave half I made and I come out even and I was going to quit and go to another man named Mr. Wimer and the man that I rented from came out and said here don't you leave here, my brother has made a kick about this half rent, claimed that we were starving the poor people and said out of every four bails you give me one and take three, and give me one and you take two thirds of the grain, and I stayed there and went through that year and I believe he and my son made 15 bails turned in my rent and paid up all our debts and everything and we had money enough to come to Muskogee, and when we went to start, and the last day settling up my wife was with me and they come down there and told us not to leave, and said you have just got to stay here another year and I will fix it so you can get a little piece of land up on the prairie, and my wife told him no she couldn't do it, and he said you had better not do it for I read in the newspaper that those Cherokees were killing niggers and floating down the river, you had better not go, but we didn't stay.
Q Then what did you do after you came to ~~Muskogee~~ Muskogee? A I went down here and found my mother, got here in the fall and the Cherokee council just had adjourned and I worked for a lawyer called Bird Harris, and I went to work for him and fixed fence.
Q Was that in the Cherokee Nation? A Yes sir, out here just the other side of that church and I worked for him and made a crop and moved down to Mrs. Nivens.
Q Was Mrs. Nivens place in the Cherokee Nation? A Yes sir.
Q Then what did you do? A The next fall come after the time we got here I went to the Cherokee Council, Gus Ivy and George Butler got up a bill and carried it in and had it signed up and all the half breeds signed it up but the full bloods and they got up and made speeches said that we were carried to Mexico and kept there so many years and said we had a right but they every one signed it up and George Butler got a room where there was nothing but full bloods and George told them he wanted them to sign it up, that this old darker had been to Mexico a long time and they studied and studied so long that he told me to go in he wasn't going to fool with them, we can make up citizens without them damn Indians and Mrs. Bushyhead said you have got plenty of time and told them to go on home that they would see if I got my citizenship and when Wallace enrollment come on mistress sent for me old Mrs. Daniels, at Vinita, and I was put on the roll up there.
Q On the Wallace Roll? A Yes sir, she sent two colored men up as witnesses for me, and when Kern-Clifton come they sent me a letter to meet the enrollment in Tahlequah, I don't know it was written to me by some of them Cherokees, I went and Mrs. Bushyhead got up and witnessed for me and had them take my name and send it to Washington to the Secretary to act on it. Mr. Hastings was there and seen that.

Q Was any of your family besides that? A every one but Tom and Lewis, didn't get their names right.
Q You mean by that they made a mistake in putting these two on?
A Must have they didn't get them on but got all the balance.
Q Who was Chief of the Cherokees when you came back that you know?
A Mr. Rushyhead.
Q During the time that you were with Col. Bryant on the way to Mexico and after you got there until you got back to the Cherokee Nation where did you intend to go to when you got so you could go? A
Mr. Hastings: I object to that as not being a legal proposition

A I always intended to come to the Cherokee until I get here.
Q During all that time where did you consider your home? A Cherokee Nation.
Q Did you ever at any time have any home anywhere else? A Never did.
Q Why didn't you come back to the Cherokee Nation sooner? A I wasn't able to, I had a house full of little children and sometimes I would get to working, worked out and couldn't save enough to come up and just as soon as this railroad got to San Antonio we taken the train then and kept a travelling until we got here by working along.
Q Now was there any time during all that time in your power to get back here any sooner than you did? A It was out of my power I had nothing to come back here with.
Q As soon as you got the money you came back? A Yes sir.
Q Now when you get back into the Cherokee Nation what did you do in the way of fixing a home for yourself and family? A I just worked around in the Creek Nation and in the Cherokee Nation just where I could get good wages.
Q Have you ever had a home anywhere else except in the Cherokee country? A I built a little place down here close to the line in the Creek Nation, went back over into Canadian awhile and lived.
Q How long were you at that place in the Creek Nation? A I don't know, maybe two or three years, sold it for some stock and moved back in the Cherokee Nation.
Q Do you remember what year it was you had a place over there?
A No sir I couldn't tell you exactly I can't read, I couldn't tell what year it was; I have been living on Caney River about 9 or 10 years up in the Cherokee Nation.
Q Coming back to this fort to which Col. Bryant took you, do you remember the name of that fort? A Fort Stockton.
Q At the time he compelled you colored men to sign that contract about how far was it from that place to any settlement that you knew of? A There was no settlement.
Q According to your best judgment about how many miles were you to any settlement? A I don't know exactly how far it was from Stockton to Davis and after we got to Davis it was 90 miles to the Rio Grande.
Q On the day you were set free did you have any teams or horses any way to get away from there to where? A No sir never had any way.
Q Did you have anything of your own to eat if you had started back from there? A No sir nothing at all.
Q During that time did you ever say to him or to any of his people that you wanted to go to Mexico or that you were willing to go to Mexico? A No sir never asked none of us. After he moved from the Choctaw Nation to Texas he called us up and said he heard some of us were talking about running away and he said he would kill us if we did, had a great mind to kill us anyway.

Q At the time you say he told you you had to sign this contract, just tell what he said at that time? A He said he heard some nigger murmuring back there in the crowd and if he does it again I will kill you and let the wolves eat you right here.
Q What did he say about carrying you into Mexico? A He said I am going to carry you over and put you on a farm untileverything gets peaceable here and will fetch you back to the nation.
Q Do you know anything about where that 1500 head of cattle came from of your own knowledge? A No sir he sent men back and got them.
Q Do you know who brought them them back to his camp? A I knew the officers, Captain Stewart, Lieut. Gatterson, Lieut. Thomas, Lem Smith, and Joe Bennett, Bennett was a son-in-law.
Q Who was this man Smith? A A soldier of Bryant's.
Q Had lived with him before the war? A Yes sir.
Q What became of that 1500 head of cattle? A Took them to Mexico and sold them.
Q Kill any of them on the way to eat? A Yes sir.
Q Did he have any cattle of his own when he started from Texas?
A Yes sir had a few, bunch of cows, in driving through the settlements of Texas those cows, we had a little boy to drive them and he would tell the little boy to get around there and mix them and carry them on.
Q As you drove along? A Yes sir make a little colored boy drive them in and take them along.
Q Do you know anything about what provisions he had with him when he started from Texas? A Yes sir, was driving a six mule team. It was loaded with flour, he killed a beef now and then for his own family.
Q In crossing over the plains there for whom did you work from the time you left Texas to Mexico for yourself or some one else?
Q Drove a team for the Colonel.
Q For whom did your wife work? A Cooked for her mistress.
Q Did he say anything at Fort Stockton or any place about freeing you? A No sir said there was no freedom for niggers, and that the Yankees were going to take them off and put them on the cotton plantations.
Q When did you first learn about the Treaty of 1866? A When I come to the Nation here.
Q From whom did you learn it? A Mrs. Nivens and Mrs. Harris.
Q Had you at any time before that known anything about the Treaty of 1866? A No sir, never did, where I lived I was in Mexico 6 or 7 years, never heard a thing of it.
Q Did you hear anything about it while in San Antonio? A No sir, not until I got back here.

BY MR. HASTINGS:
Q Burrell what year is this? A I can't read, I can't tell you what year it is.
Q You testified before that you came back here during Bushyhead's second administration, didn't you? A I testified that I came back here a year the council adjourned and the next year I went and he was Chief but I don't know whether he was Chief when I got here the year before that.
Q Didn't you testify when you were on the stand before that it was during Bushyhead's second administration? A I couldn't tell.
Q Did you testify to it? A I don't recollect.
Q George Butler knew when you got back didn't he? A I told him I got back the fall before we got to Oklahoma.

Q. Now he testified in your behalf and it is in evidence that you got back in 1884, do you think that is about correct? A I don't know sir.
Q He knew when you got back, didn't he, you told him? A Yes sir he knew when I got back, but I don't know whether he stated it to counsell or not.
Q but he has testified in your case since this case has been pending before the commission and he testified that you came back in 1884, do you think that is correct? A I don't know.
Q He testified as your witness didn't he, you brought him before the Commission? A He went down there before the Commissioner.
Q Well before this Land Commission he testified for you in this case hasn't he? A I said he did, I didn't see him.
Q And he testified as your witness then didn't he? A Yes sir.
Q Now if he testified that you came back in 1884 you aren't prepared to dispute that you stand by your own witness? A Yes sir.
Q that is the first time you had ever been back to the Territory after the war? A Yes sir, but I don't know what time it was.
Q Didn't Col. Bryant give you your discharge out at Fort Stockton?
A No sir.
Q Didn't give you any discharge? A No sir didn't give me any discharge, never until he got that money.
Q And that was over in Mexico? A Yes sir.
Q Was that in 1865? A I don't know when it was.
Q but he did give you a discharge there? A No sir but he sold me to the Mexican governor.
Q I think you said he got it into court and the Mexican Governor said you owed him $113.00? A The Mexican Governor paid $113.00 to him and put me on the ranch.
Q what was in the Mexican court there? A No sir it was the French Court, the French General took care for us to be turned loose.
Q He testified you owed him $113.00 for transportation? A Yes sir.
Q That was for you and your wife and your children? A They claimed $800.00 but cut it down.
Q that is what they got wasn't it? A Yes sir.
Q After that Mr. Bryant never had any more to do with you? A No sir.
Q how long did you work for that fellow Terrazo? A I worked 5 or 6 years.
Q You worked for $6.00 a month did you? A Yes sir.
Q 6 X 12 would be 72, wouldn't it? A I don't know.
Q It wouldn't take you two years at the rate to work you out?
A No sir you couldn't work it out, every year you worked you owned more.
Q you have testified that you stayed in Mexico 5 or 6 years?
A Yes sir, and I swear to it, there was three children born there.
Q You stayed in Mexico all told 5 or 6 years, is that correct?
A Yes sir.
Q You went there the year the war closed? A Yes sir.
Q then that made you come to the United States either in 1870 or '71? A No sir I didn't, the man that paid me out, I worked for him at $8.00 for my wife and myself until I paid $250.00.
Q You said you stayed in Mexico for 5 or 6 years? A I stayed on a Mexican ranch 5 or 6 years.
Q then where did you come to from the Mexican ranch? A I went out and worked for the man that paid me out and carried me into the City.

Q How long did you stay there? A I must have stayed there 18 months.
Q Then where did you go to? A Around town and worked awhile until I got ready to come to the Rio Grande.
Q Then where did you go? A I came to the Rio Grande.
Q Then you stayed as I understand you, 5 or 6 years with the Governor of Chihuahua, then about 18 months with different people for whom you worked, , then about a month or two before you went to the Rio Grande, that made all told about 18 months? A I left my family and came to the Rio Grande and worked there about 18 months and sent money back to my people.
Q How did you send it back? A I went over across the river to the merchant and he sent it back to them.
Q And from the 5 or 6 years that you stayed with the Governor of Chihuahua, then the other time, 18 months, and then some two or three months added to it, would make it in all ? 1/2 years all told that you stayed in Mexico, wasn't it? A I stayed in Mexico I expect something near 8 years, the first child growed to be that high (indicating) right on the Mexican ranch, and the next one got up to be a good size lad, and the next boy, he is here now, he was about 6 months old before I left Mexico, the last one.
Q Which one is that? A Burrell.
Q Then how old is he? A I don't know exactly.
Q He is given in to be here in 1901, Burrell's age was given in as 30 years of age, is that about correct? A We just made a guess at the ages.
Q Was that your best judgment under oath at that time? A Yes sir.
Q Now then this boy was about 6 months old when you left Mexico?
A I think so.
Q Then if he was born in 1871 you left Mexico about 1872, the latter part of '71 or '72? A I can't say, I don't know, I can't read.
Q You knew his age was about 4 months old when you left there? A
A Yes sir and when we got here, the first roll was the Callaso Roll and we just guessed at the age, I don't know my own age unless I go to Cahlequah.
Q This card here, R-390, gives your boy, Burrell H. Lewis, age as being 30, and this is dated December 17, 1901, do you think that is as near as you knew correct? A I don't know, it might be just about it.
Q Have you any children born since Burrell H. was born? A Yes sir, Lizzie and Mack were born.
Q Where was Lizzie Born? A She was born at Hill's ranch.
Q Where is that? A The last place I stayed before I came here.
Q Where was Mack born? A In San Antonio.
Q Is he alive? A Yes sir he is here in town.
Q Mack's age was given in 1901 as found upon R Card 392, as being 25 years old; do you think that that is about correct then?
A Mack is older than Lizzie.
Q I have not mentioned Lizzie's age, I said Mack was given as 25 years old in 1901, is that correct? A I don't know.
Q But you knew you were there in San Antonio when Mack was born?
A Mack was born in San Antonio and Lizzie was born on Mr. Johnson's ranch before I left there.
Q Is Lizzie a year older than Mack? A No sir.
Q Which is the older Lizzie or Mack? A Mack, he was born in San Antonio before we ever went to Johnson's ranch.
Q How many children did you have born in the State of Texas?
A Three I guess.

Q What are their names? A Lizzie and Jack and Robert.
Q About how old was Robert when you left there to come to the Cherokee Nation? A He was a little kid, I don't know just exactly how old, just a little child.
Q About how old was he? A I couldn't tell you to save my life.
Q Was he a baby two yearw old or three? A Just getting so he could talk, just learning to talk.
Q Do you think he was a year old or two years old? A He was a year old.
Q Do you know whether he was two years old? A I don't know whether he was two years old or not.
Q According to this card Robert was born in 1881 then that would make you come here about 1883, is that about correct? A I don't know unless I could read, I couldn't tell.
Q Now then according to your statement you stayed in Mexico between 7 and 8 years so you came to Texas in 1872 or '73, now then according to your own statements you lived in Texas from 10 to 12 years? A No sir, I don,t know.
Q Now if you came there in 1872 which is the best we can get at it from your own statements, where did you live the first year?
A I lived the first year in San Antonio.
Q Now what did you do? A Worked around on the streets.
Q What did you get there? A I got enough to keep my family living, we paid house rent, yes sir.
Q How old was your oldest boy then? A I hired them out around the hotels.
Q How old was your oldest one? A I don't know exactly how old he was.
Q How old was your oldest boy when the war came up? A Big enough to drive cattle.
Q Now then 12 years after that they were up nearly grown then were they? A I hired them out as little boys and got the money.
Q How long did you live at San Antonio? A Lived there a year and went from there to Mr. Johnson.
Q Where did he live from there? A About 25 miles.
Q What did you do out there? A Farm.
Q Did you farm on the shares? A On halfers.
Q How long did you farm for Mr. Johnson? A Two years.
Q Where did you go from there? A Back to San Antonio.
Q What did you do in San Antonio then? A I worked around there until I got money to leave.
Q How long did you stay there? A Around there two or three months.
Q Where did you go from San Antonio then? A The excursion left there and I came to Wimer, Texas.
Q How long did you stay at Wimer, Texas? A Two years.
Q What did you do there? A I farmed.
Q Then where did you go to? A I came to the nation.
Q That don't tally with the number of years? A No wonder I stayed in Mexico so long I couldn't tell how long I stayed in Mexico.

Mr. Blue: I object to this, witness states that he does not know, and it is shown here and he has answered that I expect 20 times that he did not know, I object to this method of examining the witness, and I think it is not necessary to ask an old man 25 or 30 times, it does not seem to me to be lawyer like.

Q When was the first child you had born in Mexico? A Elmira was the first one.
Q She was born in Mexico was she? A Yes sir.

Q What is her name now? A Elmira Daniels I guess.
Q Is she living? A No sir she is dead.
Q What is the next one? A Ruthie.
Q Did he die there? A Yes sir she died there.
Q What was your next child? A Murrell H. was born in the City of Chihuahua.
Q You come to Texas then about 6 months after Murrell H. was born?
A I don't know.
Q Aint that what you testified to awhile ago? A I don't recollect how old was he.
Q What did you tell me awhile ago? A I told you he was born in Chihuahua.
Q I asked you how old he was when you went to Texas you said he was born in Mexico, now how old was he when you left Mexico and went over into Texas to San Antonio. Didn't you testify awhile ago that when you went over into Texas he was 6 months old?
A He may have been andmaybe have been older.
Q Is that your best judgment? A Yes sir.
Q When was your first child born after you got over into Texas?

Mr. Blue: I object to that for the reason that that must be about 6 or 8 times since that question was asked.

Q When was the first child born in Texas after you come from Mexico?
Mr. Blue: The same objection as above.

A Jack was the first child born after I left Mexico.
Q He was born over there in Texas was he? A Yes sir.
Q The attorneys over here---you never did get any act admitting you over here did you? A They made a bill and all signed it but the full bloods.
Q You never got any copy of the bill to file here did you? A They said they were going to give me a record.
Q Who said that? A All of them in council.
Q Who did you see there? A All of the men in the Senate where I went and made application.
Q Did they give a copy of the bill admitting you? A No sir they didn't admit me but said they were going to do it.
Q They never voted to admit you did they? A I don't know anything about the voting, they sent me a letter to come over there and put me on the Clifton Roll and you were there and saw that done.
Q Butler testified that you came back here in 1884? A I don't know, I was out doors when he made the talk.
Q You knew he never testified to anything except your return? A I don't know about that.
Q Was this man Lindsey present when you singed that contract?
A He was right there.
Q He heard Col. Bryant threaten to kill you down there did he?
A Yes sir.
Q Did he sign the paper as a witness? A I don't know what he done Bryant taken us and carried the paper into the tent, I don't know what he did.
Q Did they have a paper over there in the Court in Mexico when the matter was tried. Did they have this paper over there in Mexico when Mr. Bryant had you up there? A Yes sir, had sold 7 niggers.
Q I mean this contract that you signed with him, did he have that over there? A Must have had it, I don't know whether he had it in court or not, he had it.
Q How many cattle do you say they drove across Texas into the Mexican side? A They claimed there was 1500.
Q These men that went along with Col. Bryant were not soldiers, but

it was customary for everybody to be armed? A They were Mr. Bryant's soldiers, never quit him.
Q Did they march along all the time as a company of soldiers?
A Yes sir.
Q Then you don't know what year you left Mexico do you? A No sir.
Q You don't know what year this is? A No sir, I stayed there a long time, have to sum it up, I stayed I guess 10 years down there.

BY MR. BLUE:
Q Do you read and write? A No sir.
Q Can you sign your own name? A No sir.
Q Have you ever been able to read or write or sign your own name?
A No sir.
Q Now when this Mexican Governor took you and paid Col. Bryant $113.00 from that time on did he make any statement to you of how much you had earned or how much his account was? A No sir only told me to come to the ranch and work he would give me $6.00 per month.
Q Did you take your family with you? A Yes sir.
Q Did you ever work out there for him? A Yes sir.
Q Did he ever make any statement to you about how much principal and interest amount to and how much he owed you? A Never did.
Q And when this Jew came along he got $250.00 from him? A Yes sir.
Q Do you know how long you had been with the Governor when the Jew came along? A Something near 6 years.
Q Then you worked you think how long for the Jew merchant? A I think about 15 months until I worked out $250.00 at $16.00 a month.
Q That was for yourself and wife? A Yes sir, got $8.00 a piece.
Q And you think that was about 15 months? A Yes sir.
Q Then you stayed there 3 months more to get something to go away on that would make 18 months? A Yes sir.
Q Then you went over the line and worked there 18 months? A Yes sir I went on a sheep ranch and worked there about a year.
Q Who was that for? A The Mexican Governor.
Q That was in addition to the time before stated you worked for him? A yes sir he took me off of the ranch and put me on a sheep ranch one year.
Q That would be 6 or 7 years your worked for him? A I would not be surprised if it wasn't 8 or 9 years.
Q Then you don't know how long you were over there? A I don,t know, after staying there so long, I had a little girl by the name of Almira that died there, she was 6 I think when she died.
Q You spoke about having gone over to Tahlequah to council, Mr. Hastings was asking you about a man Butler that testified for you over there, did you meet him at Tahlequah? A No sir I met him at Gibson, he went on and on and said for me to come on and tell them what I knew about it.
Q You came back first to Muskogee then went over in the Cherokee Nation? A Yes sir.
Q When did you see Butler after that time? A I come here and went down where I found mother and stayed one year until next fall, and then I saw Mr. Butler.
Q You had been here then one year or a little more then you went to Tahlequah? A Yes sir.
Q And when you get there you found Mr. Bushyhead was Chief? A Yes sir.
Q Did you tell Butler when you come back? A Yes sir.

Q Then you mean that it had been about a year from the time you landed here or a little more when you saw Butler ever there?
A Yes sir.

BY THE COMMISSION:
Q When you started to Mexico with Col. Bryant at the close of the war how many children did you have? A Lets see, I had Lewis, Abraham, Tom, Nancy, Burrell.
Q You had those children before you started to Mexico? A Yes sir before I started from there back.
Q Now I am talking about the children you had before you went there? A I had then Lewis, Abraham, Tom and Nancy and Andy.
Q You had those children before you went to Mexico? A Yes sir.
Q You say you started down to Mexico with Col. Bryant at the close of the war? A Yes sir.
Q How many children did you have when you started down there?
A I had Lewis, Abraham, Tom, and Nancy and Andy.
Q How many of those children are living now? A Lewis is dead and Nancy, and Abe, I don't know where he is.
Q Did you leave Abe in Mexico? A Left him in San Antonio.
Q What children were born in Mexico? A Burrell was born there, the others died and were buried there.
Q Give me their names? A Elmira, Ruthie, Burrell was the next
Q After you came back to Texas how many children were born to you?
A Mack and Lizzie and Robert. Mack was twins, his mate died after he was born, then next Lizzie was born and then Robert after her. That was all born in Texas.
Q You haven't had a child born to you in the Cherokee Nation since the close of the war have you? A No sir.
Q Is your wife Miranda living? A No sir she is dead.
Q When did she die? A In August, 1903, I think.
Q Is Robert living? A Yes sir.
Q What about Thomas? A He is here.
Q And Mary, his daughter? A She is here.
Q And Louella, his daughter? A She is here.
Q What about the grand-daughter, is she living? A Yes sir.
Q Is your son Andy Daniels living? A Yes sir.
Q Where? A About a mile above me on Caney River.
Q Is his children all living? A Yes sir.
Q Do you know whether all of these are living or not, Willie, Lewis, Susie, Thomas, Burley, Essie, Winnie, Miranda, and Ruth?
A Yes sir, they are all living.
Q Is Lizzie Shafer living, your daughter? A Yes sir.
Q Has she a child called Arlene? A Yes sir.
Q Is that child living? A Yes sir she has got three more now.
Q What about Mack is he living? A Yes sir.
Q Has he a child called Mady? A Yes sir.
Q Have you a child called Lizzie Haynes? A Yes sir, that is my daughter.
Q Has she two sons, Burrell and Amos living? A Yes sir.
Q What about Mary Hill, she your child? A Yes sir.
Q Has she got two children, Alice and Adam? A Yes sir they are living.
Q What about Burrell H., is he living? A Yes sir.
Q Are all these children and grand-children of yours lived in the Cherokee Nation for the last 4 or 5 years? A Yes sir, it has been longer than that, for the last 10 or 15 years.
Q All of them? A Yes sir, all that is living, all the oldest ones.
Q They have always made their home in the Cherokee Nation during the last 10 or 15 years? A Yes sir.

BY MR. HASTINGS:
Q What is Thomas Daniels wife name? A Her name is Priscilla.
Q Where did he marry her? A When we come to Yake County, Texas.
Q What is his oldest child's name? A I have forgotten the oldest child's name, it is dead.
Q How long , was it named Mary? A Mary is here.
Q Did he have one older than Mary? A Yes sir, I think so.
Q Where did that child die? A I think he said she had one child died, I left him at Yake County.
Q Where was Mary born? A She was born in Yake County.
Q Where was Louella born? A In Yake County, all born in Yake County.
Q Then Tom Daniels and his family came up here 5 or 6 years ago? A He came before they did and stayed a year or so and then went back and got them.
Q Then he didn't bring his family until 5or 6 years ago? A No sir he didn't.
Q Whose daughter is Julia? A Mary's daughter.
Q Where was she born? A Up on Caney River.
Q Is her mother a State woman? A I think so.
Q They don't claim through her mother, Thomas's wife? A No sir she died before he left Texas.
Q When did Tom first come here himself? A I couldn't exactly tell you, Tom was here before the Creek payment.
Q Before that payment of 1897, the Kern-Clifton payment? A Yes sir before that.
Q Had his family come then? A No sir left his family.
Q About how long after that payment which was in 1897 before his family come? A He come here 5 or 6 months before the payment.
Q You said he come but not his family, how long after that before his family come? A It was after the payment sometime.
Q Well how many years afterwards? A I don't know how many years after.
Q Well your best judgment? A I couldn't tell you to save my life exactly how many years after, it was.
Q Has he been here two years I mean with his family? A Yes sir he was here before the payment.
Q How many years has he been here with his family? A He went back after the payment and got his family.
Q How many years after the payment before he brought his family here? A I don't know, it may have been 3 or 4 months, or 5 or 6 months.
Q Where did Andrew Daniels marry? A He married a year I left Texas.
Q Who did he marry, some colored girl in Texas? A Yes sir.
Q He don't claim for these children there with him? A I don't know.
Q Does Andrew,s wife claim citizenship here by virtue of her being a slave of a Cherokee citizen? A She don't claim to be a citizen only by marriage.
Q Where was their oldest son Willis born? A After they got here.
Q Did he and his wife come here when you and your folks come?
A Come with me.

BY THE COMMISSION:
Q Do you know the husband of Lizzie Haynes and the father of the children, he is a state man is he? A Yes sir.
Q Do you know Mary Hill's husband? A Yes sir.
Q Is he a State man? A Yes sir.

Q He doesn't claim any right as a Cherokee freedman? A No sir.
Q Do you know the father of Julia Daniels? A A state man named Dickson.
Q Do you know Jack Daniels wife? A Yes sir, she is a State woman.
Q Do you know the husband of Linnie Shafer, is he a State man?
A Yes sir, but his mother claimed he has a right, she claims he was put on the roll, I don't know.
Q Is Shafer here to day? A No sir.
Q This here Daniels, the wife of Andy Daniels, and the mother of the children on card 395 is a Texas State woman? A Yes sir.

W I T N E S S E X C U S E D.

TOM DANIELS, being first duly sworn, testified as follows:

BY MR. BLUE:
Q What is your name? A Tom Daniels.
Q What relation are you to Burrell Daniels, who has just testified?
A He is my father.
Q Do you know your age Tom? A No sir, I don't.
Q Do you know about how old you are? A I have an idea I am somewhere in the neighborhood of 50.
Q Do you know Col. Bryant? A Yes sir I did.
Q If you recollect, where did you first see him? A When I first opened my eyes to look at the gentleman is when I was on the way to old Mexico. He used to make me sit and fan the flies off of him while he was asleep.
Q You remember him then do you? A Yes sir you bet I do.
Q Do you remember anything about where you started to go to old Mexico? A We started from some plantation in the Cherokee Nation I don't remember exactly where it was.
Q Do you remember anything about being in the Choctaw Nation about that time? A No sir I don't recollect about the Choctaw Nation.
Q If you remember, about where were you on your way to old Mexico when you first remember Col. Bryant, if you can fix any particular place, do so? A I remember of being on the road but I can't pla do just exactly where it was, we were camped you know.
Q Do you remember how you travelled on that trip to old Mexico?
A Yes sir we travelled, it was in a train of wagons.
Q How did you yourself travel? A I was in a wagon.
Q Were there any horsemen that accompanied the party? A I think there was a committee along, they stayed to keep the Indians off of them they said going across the plains to Mexico.
Q Do you remember much about that? A No sir I don't remember so much about it.
Q Do you remember any place in that route by the name of Fort Stockton? A Yes sir, I remember Fort Stockton, Fort Clarke, and Fort Davis.
Q Were these places on the route to Mexico that you travelled?
A Yes sir.
Q Were you large enough at that time to ride a horse? A I don't exactly remember whether I was or not, I might have been.
Q Do you remember being in old Mexico? A Yes sir, I do.
Q At what place in old Mexico do you first remember? A Chihuahua.
Q Do you remember any other place that you lived at in Mexico?
A Yes sir, we were at out on a sheep ranch for several years, I was a great big boy when we left there.

Q About what size boy were you when you left the sheep ranch? A I was a great big boy, about a half grown boy.
Q Do you remember of returning to Texas from old Mexico? A Yes sir I do.
Q To what place did you return in Texas when you left old Mexico?
A The first place was San Antonio, Texas.
Q About what size boy were you when you got there? A I ought to have been a good size child.
Q Do you remember about that? A Yes sir.
Q What did you do after you came to San Antonio? A I worked around my father would keep me hired out first one place then another, working for a salary until he left there, didn't stay there very long .
Q Do you remember whether or not you left there with him? A Yes sir I did.
Q To what place did you go with him? A Out west of San Antonio to some man's ranch they called Johnson.
Q How long did you remain there? A About two or three years, somewhere along there.
Q Did you live there with him? A Yes sir, I did.
Q To what place did you go then? A We went back to San Antonio after that.
Q How long did you remain at San Antonio after that? A I didn't stay there no time, I went south.
Q To what place? A I was down there way below Wimer, down to a placed they called,---I forget now the name of the place.
Q Where did you leave the old gentleman when you separated from him?
A In San Antonio.
Q After you left him there how long was it before you saw him again? A I don't know but I was working for a man named Hill when he moved up there.
Q Where did you next see your father after you separated from him at San Antonio? A I came to see him once before he left there to come to the nation.
Q Do you remember where you saw him at the last time before he came to the Nation? A Yes sir.
Q Where was he? A On the Hill farm.
Q Where was that? A In Texas.
Q Near what town? A Wimer, Texas.
Q Did you remain there with him? A No sir I didn't, I went off.
Q After you saw him at that ranch there in the neighborhood of Wimer, Texas, where did you next see him? A I saw him here.
Q At what place? A Up here on Caney River.
Q In what nation? A Cooweescoowee District, Cherokee Nation.
Q When was that? A That has been several years ago.
Q Had you moved up here then? A Yes sir I had moved, I didn't know where they were until---
Q Where were you living at that time? A Way below Wimer on a placed they called Navidad.
Q Did you bring your family up here with you when you came that time? A I brought two children along.
Q Did you leave them here or not? A They are here.
Q With whom did you leave them here in the Cherokee nation? A I left them with my father.
Q What did you do after you came up here and left those children?
A I helped the old man farm and worked around first one place then another.
Q Did you go back to Weimar again? A Yes sir, after I brought my children up here see.
Q Were you up here before you brought any children up here, yourself?
A Yes sir.

Q How long before you brought these two children up? A I was up here a month or so, I guess it was longer than that.
Q were you up here at the time of any payment? A Yes sir, I was.
Q What payment was that? A It was the payment that was paid off up here at Lightning Creek.
Q Were y u here before that time? A Yes sir.
Q How long? A Three or four months I expect.
Q How soon after that payment was it you turned back to the neighborhood of Weimar, Texas? A I went right away as quick as I could get a little money together and went down there to get my children, when I first came up here I come to see where my people were, I was considered lost from them.
Q Having found them here, you say you returned to the neighborhood of Weimar, Texas, then what did you do? A I didn't do anything but go right down there and get those children and come right back.
Q Were these all the children you had? A Yes sir.
Q was your wife living at that time? A No sir she was dead.
Q was she a State woman or freedman? A state woman.
Q Have you since that time married again? A No sir.
Q What are your children's names? A One is named Louella, and one named Mary.
Q About what time did you come back to the Cherokee Nation with these children? A Kinder long up in the year I guess.
Q You mean in about the same time in the year you were up to see your father at the time of the payment? A Yes sir.
Q Where have you resided since you brought these children up to the Cherokee Nation? A At my father's and down here at a fellow----
Q Have you resided in the Cherokee Nation since you brought these children up here? A Yes sir.

Commission: The Lightning Creek payment referred to by the witness is the Kern-clifton pay roll.

Q What is your recollection about the date of that payment, do you remember what year it was in? A I think it was between 7 and 8 years ago.
Q During the time you resided in Texas after your return to Mexico did you become a citizen of Texas? A In what my way.
Q did you keep a home in Texas to which you intended to reside?
A No sir, it was my father's talk after he got away from Mexico he would lay down and talk about going to come home and get up a talking about wanting to come home.
Q Where did you intend to return to? A I claimed my home right where I heard my parents talking about, and that was in the Cherokee Nation.
Q What purpose did you have in coming up here the time you first came? A I come to see where my people were, the left me and I didn't have any trace of any of them to know where they were, and I just got on the track of them by travelling, there was a boy stayed down here at Checotah named William Johnson he got acquainted with my father, when he stayed down here, and he was the one that told me where my people were you know, and if he hadn't told me I don't know as I would have known yet where they were.
Q Were you ever at any time naturalized and made a citizen of Texas or any other state? A No sir.
Q During the time in Mexico, did you become a citizen over there?
A No sir.
Q About how old were you when you left Mexico? A I guess I was about 12 or 13 years old, maybe 14.
Q Have you any judgment as to what your age was at that time? A
A No sir.

Q How old do you think you are now? A I think I am pretty close to 50 if I aint already 50, our father don't know much about our age cause he never kept no record of nothing.

BY MR. HASTINGS:
Q Your best judgment is that you were 12 or 13 years old when you left Mexico and went to Texas after the war? A Yes sir.
Q And you think you are about 50 now? A Right at 50.
Q Where were you married Tom? A I was married down in Texas.
Q At what town? A I was married near La Grange, Texas.
Q Were you living on a farm or in town? A On a farm.
Q Were you living with your parents then? A No sir.
Q About how old were you when you were married? A I don't know I ought to have been very near grown when I married.
Q What was your eldest child's name, didn't you have one to die?
A Its name was Alock.
Q Where was he born? A In Texas.
Q Near what place? A Near Weimar, Texas.
Q About 8 or 9 miles of Weimar? A Yes sir.
Q What were you doing out there? A Farming.
Q For whom? A I don,t know the man,s name.
Q Where was Mary born? A She was born in about 8 or 10 miles of Weimar.
Q Where was Louella born? A Not very far from the same place.
Q What was the first President you ever voted for, Grant? A If I voted at all I guess I voted for Grant.
Q What Congressman did you vote for down there? A I don't know sir
Q What Governor did you vote for? A I guess I voted for the Governor of Texas if I voted for any.
Q Did you vote in a town? A No sir out in the country.
Q You voted in the country precinct then did you? A Yes sir.
Q Good many colored people in your vicinity? A Yes sir.
Q Did they have a colored precinct? A Yes sir.
Q And you went to this to vote? A I don't exactly know the meaning of precinct.
Q The place to cast your vote, you went to vote did you? A Yes sir.
Q How long did you vote down there until you came here in 1897?
A Yes sir.
Q You never voted in town because you didn't live in any of them?
A No sir never lived there.
Q Lived in the country all the time? A Yes sir.
Q Never did refuse you any right to vote just like anybody else?
A No sir, they claimed that after a man was of age and in the country a certain limit of time he was allowed to vote.
Your vote never was challenged then? A No sir
Q The first time you ever came here was during that payment in 1897? A Yes sir.
Q You never had been here before only when you were a baby? A I hadn't been here since I was carried off by Joel Bryant.
Q That was during the Lightning Creek payment in 1897? A I was here before the payment.
Q How long before the payment? A 5 or 6 months before the payment.
Q Were Kern-Clifton making a roll when you come? A That is what I heard.
Q Did you go before that Commission and ask to be enrolled? A No sir.
Q Did it close before you come? A Yes sir.

Q But you came before the payment? A Yes sir.
Q Did you go before ~~thxxxxxxxxx~~ or after that payment? A I came before the payment.
Q I am trying to find out how long before the payment, the payment made out there at Lightning Creek? A About 5 or 6 months before the payment.
Q Where was your wife? A She was dead.
Q Where did she die? A She had been dead several years.
Q Where were your children after your wife's death? A I kept them with me.
Q You never remarried? A Yes sir.
Q Did you marry the second time in Texas? A Yes sir.
Q Your wife and these children were still in Texas when you come up here just before the payment? A Yes sir.
Q And you never brought her or these children up here until after the payment? A No sir.

BY MR. BLUE:
Q About how long were you in old Mexico all together? A To my best recollection it seems to me that we ought to have been in old Mexico about 8 or 10 years I think.
Q If you were there 8 or 10 years how old were you when you went into old Mexico? A I guess two or three years old.
Q How old? A 3 or 4 or 5 years old.
Q You were big enough to keep the flies off of the old Colonel when you were going down there? A Yes sir.
Q What is your best judgment as to how old you were when you got into Mexico? A I think I was between 5 and 6 years old.
Q You say you did vote sometimes in Texas? A Yes sir.
Q About how many years had you been in Texas before you voted, do you remember? A I was in Texas several years before I voted.
Q Do you remember the month in which you returned with your wife and children? A No sir, I don't.
Q Do you remember what season of the year it was when you came back with them? A Yes sir, it was along in the spring of the year.
Q In crop time? A Yes sir.
Q Did you make a crop that year in the Cherokee country after you come up? A No sir I didn't make any crop, I helped the old man to make a crop at home, my best remembrance I think it must have been along about this time when I come back.
Q Along the latter part of May or first of June? A Yes sir.

BY THE COMMISSION:
Q How many years before you came up to the Cherokee Nation in 1897 did you see your father? A About 15 years to my best judgment.
Q And where was your father living at the time you saw him? A In Cooweescoowee District up here in the Cherokee Nation.
Q I am talking about down in Texas the last time you saw him?
A On the Hill farm.
Q Was that near Weimar or near San Antonio? A Near Weimar.
Q At that time you had a home of your own, you were married at that time? A Yes sir.
Q You were not living with your father? A No sir.
Q How far from his home were you living at that time? A About 15 or 20 miles.

W I T N E S S E X C U S E D.

ANDY DANIELS, being first duly sworn testified as follows:

BY MR. BULGER:

Q What is your name? A Andy Daniels.
Q Are you some relation to Burrell Daniels? A I am his son.
Q Where were you born Andy? A I was born somewhere about Doaksville.
Q Where is that? A Somewhere on Red River in the Choctaw Nation.
Q How old are now about? A I think I am about 41.
Q Where were you when you can first recollect? A I was in Mexico.
Q What part of Mexico? A I couldn't tell, I have heard.
Q In a town were you? A Yes sir.
Q How long did you stay in that town until you left it? A I was quite small but that time I couldn't really give; I guess it was somewhere along about 5 or 6 years.
Q Where did you go from that town? A To San Antonio.
Q Do you recollect distinctly of arriving in San Antonio? A Yes sir.
Q About what age were you then, how large a boy? A I was getting to be a pretty good size boy I guess.
Q About how old, give your best judgment? A About 10 years old.
Q What did you do, or did you do anything in San Antonio in the way of work? A I commenced working around there in a hotel a little.
Q What did you do in the hotel? A Wash dishes.
Q How long did you wash dishes in a hotel in San Antonio? A I don't know, not very long.
Q Were you living with your father and mother at that time? A Yes sir, they hired me out.
Q When did you leave San Antonio? ~~ix~~ And how long after you had been there did you leave the place? A To my best judgment I think we had been there about a year.
Q Where did you go? A Went out west.
Q How far west? A I don't know, 25 miles.
Q Did your family move out with you? A My mother and father went out there.
Q What did you do out there, your mother and father and you?
A My father rented a farm there from a Mr. Johnson.
Q How long did you farm for Johnson? A We made two crops for him.
Q Where did you go from Johnson's? A We come back to San Antonio.
Q Then how long did you stay in San Antonio? A I don't think we stayed there much over a year, I think we left there a long in the fall.
Q Where did you start for? A I couldn't hardly tell you, I was pretty young then.
Q Did you go away with the family from San Antonio? A No sir.
Q Where did you go? A I got around there among the boys and stepped there.
Q Did the family leave you? A Yes sir.
Q And when did you next see the family? A It must have been about a year before I saw them.
Q Where did you see them at that time? A There on Hill's place.
Q Where is that place? A On Colorado River close to Weimar, Texas.
Q Did you go down to your parents? A Yes sir.
Q How long did you remain there? A I think I made a crop there, rented a little piece of ground and he furnished me a yoke of cattle and I worked for myself and gather it and I left them there that fall.

Q About how old were you at this time? A I don't know.
Q Were you a grown man? A I don't know.
Q What is your best judgment of your age at that time? A About 19 years old.
Q Did you go some place from that Hill farm? A Yes sir, came up here.
Q Do you remember what year you come here in? A No sir.
Q What nation did you come to? A We came to the Cherokee Nation, landed here in Muskogee and there was a fellow that used to live here by the name of Tom Windy, and we had enough money to pay him to haul us down to Nivens Valley, my grandmother lived down there.
Q Have you lived in the Cherokee Nation continuously since your return? A Yes sir.
Q When you were in Texas did you ever hear your father and mother speak about coming back to the Cherokee Nation? A Yes sir, I have heard them talking lots of time.
Q What would they say? A I have heard the old lady talking about Grand prairie and naming different places here in the Cherokee Nation, how they used to travel and how bad they wanted to come back.
Q Have you any recollection about the date when you arrived in the Cherokee Nation? A No sir.

BY MR. HASTINGS:
Q You don't know what year you come here in? A No sir, I don't.
Q You don't know what year this is? A Well I guess I do.
Q Well tell it? A Looking at the almanac I suppose it would be about 1905.
Q Do you know how old you were when you come here? A No sir
Q were you about 21? A No sir, I was somewhere along about 19 when I come here.
Q Do you know? A No sir, don't know that hardly.
Q Well did Tom come then? A No sir.
Q When did Tom first come? A He came sometime since then.
Q About what year did he come? A He has been in here 4 or 5 years I guess, as well as I can remember.
Q Do you know about how old young Burrell H. Daniels is? A I don't know sir.
Q What is your best judgment? A I couldn't tell you cause I don't remember when he was born.
Q Do you know where he was born? A He was born in Mexico.
Q Do you know how old he was when you left Mexico? and came over to Texas? A I don't know.
Q was he a baby? A Yes sir, a pretty good size baby, about 6 or 7 years old I guess, or a little over.
Q When you left Mexico and come to Texas? A When we left Mexico and come to San Antonio.
Q Burrell was 6 or 7 years old? A I guess he was, I don't know when he was born.
Q If your father states he was 6 months old, he is mistaken?
A I don't know, I was just guessing at it.
Q Where was Lizzie born? A She was born out there at Johnson's.
Q In Texas? A Yes sir, out west of San Antonio.
Q Where was Jack born? A In San Antonio.
Q Where was Lizzie Haynes born? A I think she was born out at Johnson's, too.
Q Where was Mary Will born? A In San Antonio.
Q How old do you say that Lizzie Shafer is? A I don't know sir how old she is.
Q Get no idea at all? A No sir.

Q Do you know hold old Lizzie Haynes is? A No sir, I don't.
Q Get no idea, none at all? A No sir.
Q But you know that Jack and Mary, and Lizzie Haynes and Lizzie Shafer, those four were born in Texas weren't they? A Yes sir.
Q Did any children die who were born in Texas to your father and mother? A There was my oldest sister died there in San Antonio.
Q Any that was born in Texas, was she born in Texas? A No sir she was born in the nation.
Q Beforethe war? A I don't know when it was.
Q You were born in the Cherokee Nation but you never was in the Cherokee Nation until you were 19 or 20 years old? A Well I suppose that was my age.
Q You never was here before that? A No sir.

BY THE COMMISSION:
Q Did you go with your father to the Cherokee Nation? A Yes sir.
Q Who was in that party? A Mary, and Jack, Robert, they all came up with him excepting Tom.
Q Tom and his family? A Yes sir.
Q Did your mother come? A Yes sir.
Q What was your wife's name? A Dora Daniels.
Q Is she a state woman? A Yes sir.
Q You married her in Texas, did you? A Yes sir.
Q Did your wife, Dora , come with you and the children? A Yes sir.
Q How many children come with you to the Cherokee Nation? A None.
Q All born in the Cherokee Nation? A Yes sir.
Q How long were you married before you come to the Cherokee Nation?
A Just as soon as we get the crop gathered.
Q Are these children all living? A All living.
Q Your wife doesn't claim any rights as a Cherokee freedman, does she? A No sir.
Q Whatever rights they claim, they claim through you? A Yes sir.

BY MR. BULGER:
Q Why did you and your father and his family come to the Cherokee Nation when you did come? A We made a kinder of a come out that year with a little money so we could travel.
Q Why had you not come before that time? A Never had been able to , never had made enough to travel any distance, all we could do was to live.
Q How did you happen to come out with more money that year? A I think they made different arrangements in raising the crop and had pretty good luck that year with the crops.

BY THE COMMISSION:
Q Did you always stay with your parents up until the time you were married? A All excepting that year I stepped off in San Antonio
Q Were you living with your father when you married? A Yes sir.
Q You and your wife stayed on that same farm with your father?
A Not exactly on that farm but on the same man's farm.

W I T N E S S E X C U S E D.

JOHN CROSS, being first duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A John Cross.

Q Where do you live? A 8 miles east of Fort Gibson.
Q How old are you? A I suppose I must be about 60 years old.
Q What is your business or occupation? A Farming.
Q How long have you been farming? A I have been farming all my days.
Q In what country and states have you farmed? A I farmed in Texas the first of my farming was down in Texas.
Q How long did you farm in Texas? A I really don't know just exactly how long I couldn't just get at it, just how long, but it was quite awhile.
Q Did you own a farm in Texas of your own? A No sir.
Q How did you farm? A I worked on the halfers.
Q What do you mean by working on the halfers? A I mean they furnished everything and give me half of the crop, and I would get rations from a commissary, and they get their pay for it out of my part of the crop.
Q To whom did the commissary belong? A He the boss of the place.
Q Did you farm in the same neighborhood in Texas where Burrell Daniels did? A No sir.

W I T N E S S E X C U S E D.

BURRELL DANIELS RECALLED:

BY MR. BLUE:
Q During the time that you were in old Mexico as you have heretofore stated, did you, at any time, vote there? A No sir.
Q Did you take out any naturalization papers there and become a citizen there? A No sir, never did.
Q Have you ever at any time taken out any naturalization papers and become a citizen of any other state or country than the Cherokee Nation? A No sir.
Q Did you ever vote in Texas? A Never did.

BY MR. HASTINGS:
Q Never voted in the Cherokee Nation did you? A Don't know as I ever voted here either.

BY THE COMMISSION:
Q You testified that at Fort Stockton there were several Cherokee slaves there, do you know whether any of them are living now besides those of your own family? A Yes sir, some of them left and went to El Paso.
Q Did any of them ever return to the Cherokee Nation? A Not as I know of, went to El Paso most of them did.
Q I am asking about those slaves that were with you at Fort Stockton, not a one returned that you know? A No sir.

W I T N E S S E X C U S E D.

A P P L I C A N T R E S T S.

R. W. LINDSEY RECALLED:

BY MR. HASTINGS:
Q You are the same witness that was on the stand in this case this

morning? A Yes sir.
Q Is it true that Burrell Daniels life was threatened or that he was compelled by Col. Bryant or any one acting in his behalf to start with him to old Mexico from the State of Texas after the war?

Mr. Blue: I object to that as being incompetent, immaterial, and irrelevant and is calling for a conclusion of this witness and not attempting to get any facts in the case.

A No sir nothing of the kind that I am aware of or ever heard tell of, everything was amicable.
Q Did Burrell Daniels desire to go with Col. Bryant to Mexico?
A Yes sir, he seemed that way.

Mr. Blue: I offer the same objections as above.

Q Was he advised that old Mexico was a free state and was that your understanding at that time? A I don,t know what advice but it was understood that Mexico was a free state.
Q Was there any soldiers taken along with Col. Bryant to guard these people to keep them from running away? A No sir.
Q At Fort Stockton were the colored people lined up and compelled to sign agreements and was Burrell Daniels compelled under threat of having his life taken of signing that agreement to pay Col. Bryant for his transportation for himself and family over to old Mexico?

Mr. Blue: I offer the same objections as above.

Q If Burrell Daniels stated that, is that true? A

Mr. Blue: Same objections.

A No sir.
Q Were any threats made against his life at that time?

Mr. Blue: same objections.

A No sir.
Q The applicant just made a statement here to the effect that Col. Bryant got about 1500 head of cattle and drove them across there into old Mexico, I am frank to say that I don't see that that cuts much figure in this citizenship matter, but I want to ask you if that is true? A No sir

Mr. Blue: I want to object to that for it contains a suggestion of the counsil, and same reasons as above.

Mr. Hastings: In answer to the above objection counsil for the Cherokee Nation desire to state that this question is asked purely for the purpose of contradicting the other witness, and while it is upon an immaterial point, yet if this other witness would go so far as to make such an absolute false statement as the one he did make with reference to these cattle, it would be a tendancy to show the Commission and the Secretary of the Interior of the false statement of this witness.

Mr. Blue: In reply I desire to say it is wholly gratuitous for he cannot be impeached upon an immaterial question, and further than that the present witness is quite as impeachable as the other witness.

Q Did he have any cattle other than you said? A No sir, he had a few milk cows and some beef cattle.
Q And you say it is absolutely without foundation? A Yes sir, without foundation and false.
Q And you say it is absolutely without foundation and it is false that he was compelled to go to Mexico or compelled to sign this contract? A Yes sir.

Mr. Blue: I object to that, it is incompetent, immaterial, and irrelevant, is a leading question and I object to it on that ground.

Q Did Col. Bryant have any soldiers along with him at all? A As I said I thought there was 10 or 12 men that some 4 or 5 of them had belonged to some other command, I don't think there was but one man that belonged to his regiment.
Q And they just went along as a party? A Yes they knew him.
Q Did you hear any remark made by Col. Bryant to the effect that Burrell Daniels would be killed and the wolves would eat his bones if he didn't sign that paper at Fort Stockton? A No sir.
Q You were there when it was signed, witnessed it? A Yes sir.
Q You say that Burrell Daniels was given his discharge papers by Col. Bryant at that time? A Yes sir, before he signed the others.
Q Was he told that he was a free man at that time? A He says this is the first act Burrell that you have done as a free man. There was me and a few of the members of Mr. Bryant's family, and about two other men besides myself when it was going on.

BY MR. BLUE:
Q Was there any men of adult age that was along with you at that time that hadn't been in the Confederate army? A I don't think there was, there might have been.
Q The fact is that all of these men that were of sufficient age had been in the Confederate services and were all ~~leaving~~ leaving the country because they didn't like to stay here with the Yankees? A Well, I don't know.
Q You were leaving for that purpose? A He might have left for that purpose.
Q Your father-in-law and his four sons-in-law all of whom had been in the Confederate army were going to old Mexico? A Yes sir.
Q And Lieut. or Capt. Stewart was along? A Yes sir.
Q And these two officers of his regiment? A No sir, only one officer of his regiment Lieut. Thomas, and Dr. Powell belonged to Col. Bryant's regiment, Capt. Stewart belonged to the First Cherokee regiment.
Q We had some Confederate soldiers along with him? A I don't know whether you would call them soldiers or not.
Q And all these men including your father-in-law and his sons-in-law were along, were they? A Yes sir.
Q And Col. Bryant freed these people at Fort Stockton about 200 miles from any settlement? A Yes sir.
Q And they had no teams or anything of conveyance? A Yes sir.
Q Do you not think, Mr. Lindsey, that it was a very singular proceeding for the former master and owner of slaves at such a place as Fort Stockton, many miles from any settlement in a comparatively desert country and without any means of conveyance or anything to subsist on until they could get to a settlement to go through the forms of releasing them from slavery there, and then ask them to ~~sing~~ sign a contract to work for him in old Mexico until they could pay him a bill for carrying them from Texas over into old Mexico?

Mr. Hastings: Objected to because this question is purely a matter of argument and is not cross examination of any fact of its development.

A From one aspect it would look to be peculiar, but I will state, as I have foremerly stated that from the start from Warren, Texas, that with those people it was all entirely amicable and that there was no friction whatever at all existed between Col. Bryant and his slave, Burrell, that there was as mutual understanding as could be between master and slave.

Q Under this contract about which you have testified, which was agreed as I understand it that Burrell Daniels signed by his mark, a contract agreeing to pay Col. Bryant $800.00 for conveying him and his family over to old Mexico from the starting point in Texas? A All correct except the amount, I don't know about that, I don't remember the amount.

Q Were you present when this case was tried in the Mexican or French courts as they had there? A No sir.

Q Do you know anything as to the amount Col. Bryant claimed when he got into Mexico? A I do not know sir.

Q You say under that contract he enforced that contract against Burrell Daniels in Mexico and collected the money on it? A Yes sir.

Q Now you have stated about some cattle, is not it a fact that Col. Bryant, before he started to old Mexico traded some slaves for some cattle? A Yes sir.

Q You know Mr. Baugh? A Yes sir.

Q How long have you known him? A About 51 years nearly.

Q If Mr. Baugh stated in his testimony that Capt. or Lieut. Stewart had a company of 15 or more of men with him there, he was mistaken?

Mr. Hastings: I want to object to that because that is not his statement and the record will not show so, but the record will show that a number of men were along, but therecord will not show that he had a company of men.

Q If MR. Baugh did state in his testimony in this case today that there were a number of armed men along with this party with Lieut. or Capt. Stewart, in your trip to old Mexico, he was mistaken was he? A Yes there was a number of men along and armed, and Capt. Stewart was along but he had no command and did not act as commander, he was or had been a Captain and was called Captain.

Q If I understood you this morning you stated that all the party that was at Port Stockton crossed over into old Mexico with you, am I right about that? A About making that statement, I don't remember but about all the party that was at Port Stockton, not exactly all there was a few that came from Missouri, they joined us but didn't go on to Mexico.

Q Didn't you state this morning that all the party that was at Port Stockton crossed over into old Mexico? A I don't know whether I did say it or not, I might have.

Q If Mr. Baugh stated on the stand today that a part of the boys of the company that was along in that march from Texas to old Mexico, left it was incorrectly? A Yes sir.

Q There were some men along that didn't have any arms? It is possible, there might have been there was a transent party along.

Q Did your party take any cattle into old Mexico with you? A No sir.

Q Did any parties join your party with some cattle after they started? A Yes sir.
Q Who were they? A Capt. Stewart, Major Hanlin, and a man they called Johnson, and a young man called Fee, and Lieut. Thomas and Dr. Powell.
Q How many cattle did they have? A Something like 200 maybe a little more, or little less.
Q Then after all there was a herd of cattle along there with you besides the cattle of Col. Bryant? A Yes sir
Q You don't know how many head there was of them? A From my best recollection there was some 200 maybe more or less.
Q You don't swear to the exact number? A No sir, I never counted them.
Q Wasn't Capt. Stewart and this man with you before they went back after those cattle? A No sir.

BY MR. HASTINGS:
Q Did Col. Bryant have anything to do with those cattle? A No sir.
Q What relation was that with Indians? A It was a pretty good country for Indians, I recollect once where the Indians run off and left a place.
Q You people went armed as individuals but there was no company of soldiers? A Nothing of the kind.

BY MR. BLUE:
Q Where was that you jumped up these Indians? A Up on the head of what they called Brady Creek.
Q How far was that from Fort Stockton? A Somewehre between 75 and 100 miles.
Q And that was the country in which Col. Bryant freed his slaves?
A Yes sir.
Q Did they have any arms to protect themselves? A I didn't see any.
Q No means of protection or nothing to eat? A I have answered that two or three times.

BY THE COMMISSION:
Q How far did you say Stockton was from Chihuahua? A I couldn't say exactly, about 400 miles.
Q How long did it take you to travel from Fort Stockton to that place? A We travelled at the rate of 15 or 20 miles per day, perhaps we were on the road 15 or 20 days.
Q Do you mean that was on the travelled route? A Yes sir.
Q How far has the crow flies, how far is it? A Perhaps I struck off a good deal, about 200 to 250 miles perhaps.
Q There was no railroads at that time? A No sir.

W I T N E S S E X C U S E D.

BY THE COMMISSION:

As far as the evidence this case is now closed, and the case is submitted on the record. By the consent and stipula-

tion of the parties the case will be written up and briefs will be allowed to be filed by the representatives of the applicant, and the Commission will then in due

THIS CASE IS NOW CLOSED.

George H. Lesley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 12th day of June, 1905.

Edward Merrick
Notary Public.

FILED
JUN 12 1905
COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inthe matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Burrell Daniels et al.---------Cherokee Freedmen R 40,
Andrew Daniels et al.----------Cherokee Freedmen D 861,
Lizzie Shafer et al.----------Cherokee Freedmen D 916,
Mary Hill et al.----------Cherokee Freedmen D 917,
Lizzie Haynes et al.----------Cherokee Freedmen D 941,
Mack Daniels et al.----------Cherokee Freedmen D 1089,
Thomas Daniels et al.----------Cherokee Freedmen D 1100,
Burrell H. Daniels----------Cherokee Freedmen D 1101.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Burrell Daniels, for himself and wife, Meranda Daniels, and minor child, Robert Daniels; by Andrew Daniels, for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer, for herself; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arlena Shafer; by Mary Hill, for herself and minor child, Alice; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Adrum Hill; by Lizzie Haynes, for herself and minor child, Edward Haynes; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Amos Haynes; by Mack Daniels, for himself and minor child, Mady Daniels; by Thomas Daniels, for himself and minor children, Mary, Louella and Julia Daniels; and by Burrell H. Daniels, for himself.

The evidence shows that the said Burrell Daniels and his wife, Meranda, together with their children, Nancy Daniels, now deceased, and Thomas Daniels, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they were taken out of the Cherokee Nation and did not return thereto until sometime after the year 1879; that the said Andrew Daniels was born during the war of the rebellion and came to the Cherokee Nation with his father and mother on their said return. All the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Burrell, Meranda, Thomas, Nancy or Andrew Daniels.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Burrell Daniels, Miranda Daniels, Robert Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, David Daniels, Thomas Daniels, son of Andrew Daniels, Burley Daniels, Annie Daniels, Minnie Daniels, Miranda Daniels, Ruth Daniels, Lizzie Shafer, Arkena Shafer, Mary Hill, Alice Hill, Adrian Hill, Lizzie Haynes, Albert Haynes, Anna Haynes, Mack Daniels, Mady Daniels, Thomas Daniels, Mary Daniels, Lowdila Daniels, Julia Daniels and Burrell H. Daniels, as Cherokee freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. R. Stanley,
Commissioner.

Muskogee, Indian Territory,

this JAN 18 1904

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, consolidating the applications of:

Burrell Daniels, et al.,	Cherokee Freedman	R - 40	
Thomas Daniels, et al.,	"	"	R 351
Andrew Daniels, et al.,	"	"	R [illegible]
Burrell H. Daniels,	"	"	R [illegible]
Lizzie Haynes, et al.,	"	"	R [illegible]
Mack Daniels, et al.,	"	"	R [illegible]
Mary Hill, et al.,	"	"	R [illegible]
Lizzie Shafer, et al.,	"	"	R [illegible]

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Burrell Daniels for himself, his wife, Miranda Daniels, and minor son, Robert Daniels; by Thomas Daniels for himself and minor children, Mary and Louella Daniels, and minor grandchild, Julia Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Lizzie, Minnie, Miranda and Ruth Daniels; by Burrell H. Daniels for himself; by Lizzie Haynes for herself and minor child, Lizzie Haynes. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on January 24, 1902, of Amos Haynes, child of the applicant Lizzie Haynes; by Mack Daniels for himself and minor child, Rudy Daniels; by Mary Hill for herself and minor child, Alice Hill. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on March 10, 1902, of Adrea Hill, daughter of the applicant, Mary Hill; and by Lizzie Shafer for herself. Thereafter on June 4, 1902, there was filed with the Commission an affidavit showing the birth, on May 1, 1902, of Arlene Shafer, daughter of the applicant Lizzie Shafer.

THE RECORD FURTHER SHOWS: That, On January 18, 1904, the Commission rendered its decision herein, denying said applicants the right to enrollment as Cherokee freedmen; that on June 24, 1904 (Departmental letter I.T.D. 5040-04), said decision of the Commission was affirmed by the Department; and that, thereafter, on December 12, 1904, a motion for review was filed with the Department, on behalf of the applicants in this case, the same being submitted to the Assistant Attorney-General for his opinion thereon; that, on May 13, 1905, (Departmental letter I.T.D. 5330-05), the Department, in accordance with opinion of the Assistant Attorney-General, rendered May 9, 1905, rescinded its decision of June 24, 1904, and returned the record in this case with instructions to "institute a rehearing in the matter"; and that, on June 8, 1905, further proceedings in the matter of said application were had before the Commission at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as Cherokee Freedmen.

The following points in this case are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Burrell and Miranda Daniels, are the parents of Robert, Thomas, Andrew, Burrell H., and Mack Daniels, and Lizzie Haynes, nee Daniels, and Nancy Newton, nee Daniels, deceased; and that all the other applicants herein are descendants of certain of the above named persons, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(2) That the applicants, Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and that, after the close of said rebellion, the three applicants first above mentioned returned to the Indian Territory during the following years; Burrell and Miranda Daniels in 1884, and Thomas Daniels in 1897. The said Nancy Newton, nee Daniels, deceased, never returned to the Indian Territory, after the rebellion, she having died in Texas prior to the year 1884.

(3) That all the applicats herein except Burrell, Miranda and Thomas Daniels, were born since the commencement of the rebellion.

(4) That those applicants herein who were in being at the close of the rebellion, together with the said Nancy Newton, nee Daniels, deceased, were taken, by one Joel M. Bryant, from Texas to Mexico during the year 1865, where the said Burrell Daniels and his family remained until about the year 1872, when they removed to Texas and con-

tinuously lived therein till their return to the Indian Territory as above indicated.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Burrell and Miranda Daniels, with their family, voluntarily accompanied Joel H. Bryant and party from Texas to Mexico during the spring and summer of 1865; that they remained in Mexico till 1872, when they removed to Texas, became domiciled citizens of that state, and continuously lived therein till their removal to the Indian Territory during the years 1884 and 1887; and that none of the applicants herein have ever been admitted or readmitted to citizenship in the Cherokee nation.

And it is further considered that the evidence in this case shows that upon their return to the Indian Territory, after the rebellion, neither the applicants Burrell, Miranda and Thomas Daniels, nor the applicants herein claiming through them, nor those claiming through Nancy Newton, nee Daniels, deceased, established a residence in the Cherokee nation, but rather in the Creek Nation, where they continuously resided till subsequent to the year 1894.

None of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

FINDINGS OF FACT AND CONCLUSION; It is considered that the evidence in this case shows that neither of the applicants, Burrell, Miranda, or Thomas Daniels, nor Nancy Newton, nee Daniels, deceased, became domiciled citizens of the Cherokee Nation within the time specified by the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee nation et al., for the return of freedmen to the Cherokee nation; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

And it is further considered that, granting that those applicants herein born prior to the close of the rebellion, and the said Nancy Newton, nee Daniels, deceased, were, on or prior to February 11, 1867, domiciled citizens of the Cherokee Nation, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Burrell Daniels, Miranda Daniels, Robert Daniels, Thomas Daniels, Mary Daniels, Lenella Daniels, Julia Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Susie Daniels, Thomas Daniels, Burley Daniels, Essie Daniels, Minnie Daniels, Miranda Daniels (daughter of Andrew Daniels), Ruth Daniels, Burrell W. Daniels, Lizzie Haynes, Edward Haynes, Amos Haynes, Noah Daniels, Mady Daniels, Mary Hill, Alice Hill, Adam Hill, Lizzie Shafer and Arlena Shafer, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,
this Sep 25 1905.

Cherokee Freedmen R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen,

Copy, in part, of certain records in the custody of this office.

WALLACE ROLL.

Office No.	Wallace No.	Names	Age	Sex	Residence
2514	245	Daniels, Burrell	39	M	Creek Nation
2515	246	" Miranda	41	F	" "
2516	247	" Burrell Jr.	12	M	" "
2517	248	" Mack	16	M	" "
2518	249	" Lizzie	14	F	" "
2519	250	" Robert	12	M	" "
2520		" Mary	10	F	" "
2521	251	Newton, Lizzie	8	F	" "

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on page 100 of the Wallace roll, and that said Wallace roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Burrell Daniels, et al. Cherokee Freedman R 40 et al.

Tams Bixby,

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this SEP 25 1905

[illegible]

[illegible]

[illegible]

In the matter of the application for the enrollment of [illegible], et al., as Cherokee freedmen.

Copy, in part, of certain records in the custody of this Bureau.

Census of _____ Children residing in _____ District, Cherokee Nation, authorized by an Act of the National Council approved April 16, 1896.

No.	Name	Age	Male	Female	By whom identified	Remarks
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Elizabeth S. Thompson, J. Thompson, by certificate	Living in Creek Nation. Never lived in Cherokee Nation since 1881. Orphan freed children
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		Living in Creek Nation
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		

[redacted]

I hereby certify that the foregoing is a true and correct copy of information and belief, from the book in Southern District, County and State of Texas, and that said Tenant Farm is now in the lawful possession of said parties.

And it is ordered that a Writ of Possession issue to place said parties in possession of the premises in the complaint and petition described, and that said Tenant Farm be, and is hereby, declared forfeited, and that said Tenant Farm be, and is hereby, declared forfeited, and that said Tenant Farm be, and is hereby, declared forfeited

Stephen Freeman 2 et al.

MEMORANDUM OF THE DECISION

CONSIDERED IN THE FIFTH DIVISION TERM

In the matter of the application for the enrollment of Burrell Daniels et al., as Choctaw Freedmen.

Now, in part, of certain records in the custody of this office.

-o-o-o-o-o-

CHOCTAW FREEDMAN PAY ROLL.

Roll No.	Office No.	Name	Age	Sex	P.O. Address
4400	4446	Daniels, Jeerve	12	M	Caddo, Okla.
4401	4447	" William, son	14	M	" "
4402	4448	" Lonie, "	"	M	" "
4403	4449	" Ben, "	"	M	" "
4404	4450	" Dunie, dau.		F	" "
4405	4451	" Annie, "	"	F	" "
4406	4452	" Minnie "	"	F	" "

4403	4453	Daniels, Burrell	44	M	Creek Nation
4404	4454	" Burrell Henry, son	18	M	" "
4405	4455	" Noah "	16	M	" "
4406	4456	" Lizzie, dau	17	F	" "
4407	4457	" Robert, son	15	M	" "
4408	4458	Dodson, Mary Jr. dau.	16	F	" "
4409	4459	" Lizzie "	12	F	" "
4410	4460	Daniels, Tom		M	Fort Gibson, Okla.
					38 Choctaw Dist.

-o-o-o-

[illegible]

I hereby certify that the foregoing is a true and correct copy of entries made in Forms [illegible] in the [illegible] Land Agency at [illegible], and that such entries are made by me in the performance of my official duties.

[illegible] is to certify that a copy of the entry [illegible] be filed with the [illegible] of the [illegible] in the [illegible] case of Harvey [illegible], [illegible], Contest Proceeding [illegible], [illegible].

James Bixby.
Land Agent.

Dated at Kalispell, Flathead Territory,
this SEP 25 1905

D
COMMISSION TO THE FIVE CIVILIZED
FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Burrell . Daniels,
Muskogee, I. T.
Cherokee-F-D-1101.
Register.

JW 1101

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 17 1901

ACTING CHAIRMAN

1. Name [illegible]

Owner's name [illegible]

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father [illegible]

Mother [illegible]

2. Name of wife [illegible]

Owner's name [illegible]

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by W. L. ..... Stenographer [illegible]

W. L. on Wall. Rd as Burrell Daniels Jr.

W. L. on [illegible] W #4454 as Burrell Henry Daniels

J. R.

COPY.

Cherokee Freedman
D-1101.

Muskogee, Indian Territory, January 19, 1904.

Burrell H. Daniels,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated January 18, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Madden,

Commissioner in Charge.

Enc. D-73.
Register.

(COPY)

Cherokee Freedmen
E-40 et al.

Muskogee, Indian Territory, January 12, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Burrell Daniels et al., including the commission's decision, dated January 12, 1904, rejecting the applications for the enrollment of Burrell, Moranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Purley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Eady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adrea Hill, Lizzie and Arlena Shafer as Cherokee freedmen.

Respectfully,

T. B. Needles,

Enc. D-81.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C01-1)

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, and Lizzie and Arlena Shafer as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the commission is informed of the same.

Respectfully,

T. B. Needles,

Enc. D-80.

Commissioner in Charge.

W. O. W.

J. F.

E.O. [illegible]

I.T.D. [illegible]-1904.

L R S

SECRETARY OF THE INTERIOR,

WASHINGTON, June 24, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1904, you transmitted the papers in the consolidated case embracing the applications of Burwell Daniels et al. (W.D.40 et al), for enrollment as Cherokee freedmen, including your decision of January 18, 1904, rejecting said applications.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen
D 1101

Muskogee, Indian Territory, June 30, 1904.

Burrell E. Daniels,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

[illegible]

[illegible], United States, June 30, 1934.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner's decision dated January 16, 1934, rejecting the applications for the enrollment of Harvell Ray Thomas, Harry Lucille, Willie, Jack, Jack, Andrew, Willie, Lucky Grace, Thomas, Lucky, Lucky, Minnie, Lucky, Thomas, Lucky, Grace and Albert Lucky, Lizzie, Albert and Jack Lucky, Willie and Jerry Willie, and Thomas and Arthur Lucky are affirmed, was affirmed by the Secretary of the Interior on June 30, 1934.

Respectfully,

Commissioner in Charge.

[illegible]
A [illegible], et al.,

Washington, Indian Territory, July 9, 1904.

William [illegible],
Attorney for Darrell Daniels, et al.,
Muskogee, Indian Territory.

Dear Sir:

In accordance with your request there is herewith inclosed to you a copy of the testimony in the consolidated case of Darrell Daniels, et al., Creekee Freedman Nos. [illegible] and [illegible] to [illegible], inclusive, together with a copy of the Commission's decision rejecting the applicants, and a copy of the Department's letter of June 24, 1904, affirming the Commission's decision.

Respectfully,

Encl. 7-12

Commissioner in Charge.

COPY.

F.R.F.
W.C.F.
S.V.F.

DEPARTMENT OF THE INTERIOR,

I.T.D.
1706-1908.
9407, 10081-
1906.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

WASHINGTON, May 9, 1906.

The Secretary of the Interior,

Sir:

I received by reference of February 16, 1906, for opinion thereon, the motion of counsel for the Cherokee freedmen for reconsideration of departmental decision of March 22, 1904, approving my opinion of that date, and by reference of February 18, 1905, for consideration in connection therewith, the record in the consolidated case of Burrell Daniels and others (twenty-eight persons) for enrollment as Cherokee freedmen. The latter case is before the Department upon a motion of counsel for the applicants for review of the decision of the Commission to the Five Civilized Tribes adverse to the applicants.

My opinion of March 22, 1904, was rendered upon departmental reference of a request by the Commission to the Five Civilized Tribes for construction of the freedman enfranchisement clause of Article IX of the treaty of July 19, 1866 (14 Stat., 799, 801):

That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and

their descendants, shall have all the rights of native Cherokees: Provided, ...

The opinion referred to, so far as here in question, summarized, was that: (1) The six months period (from ratification of the treaty August 11, 1867,) is not a limitation, but a condition to the right granted, affecting all, competent, or incompetent, and that return within the period therein fixed is an essential part of the facts out of which the right granted arises; (2) That "residents" had reference to the place of the freedmen's legal domicile, and not to that of his then accidental, actual, physical presence or temporary place of abode.

The contention of counsel for the freedmen in the present motion is, that the provision, "and are now residents therein, or who may return within six months," has reference only to "free colored persons who were in the country at the commencement of the rebellion," and has no reference to the former slaves described as freedmen liberated by their owners or by law. This contention is based upon an analysis of the grammatical structure and punctuation of the provision, which I have carefully considered, but deem unnecessary here at any great length to discuss. Grammatical structure and punctuation are both proper aids to construction, but neither nor both combined exclude other inquiry into the legislative intent which must

always control, when satisfactorily ascertained, though both grammatical structure and rules for punctuation be disregarded. By this, however, I am not to be understood as conceding the contention that either the grammatical structure or the punctuation indicates that the six months period had reference to the "free colored persons" only, or did not refer to the liberated former slaves. As to structure of the sentence, it appears to me that the words "as well as" are strongly conjunctive, not disjunctive. The phrase "as well as" is defined in the Century Dictionary and Webster's International Dictionary, at the word "as", as meaning "just as much, equally (with), in addition (to), besides, no less (than)." All these difinitions or equivelents of "as well as" indicate the idea of equality of merit and of benefit, rather than an intent to give more privilege to or to impose less burdensome obligation or condition upon the first class than upon the second. The circumstances of the time were that the former slaves had late been mere things, chattels, not men, and their claim to recognition and just treatment as members of the organized society could hardly have won higher recognition that that given other persons of the same race who had attended to freemanhood years before, or even higher that that given the freebern full-blood Cherokee. A construction that would lead to such result is, in light of the circumstances of the time, not

only irrational, but almost unthinkable, and is clearly erroneous.

As to punctuation, had the intention been to confine the operation of the six months return period to the second or free colored person class alone, no punctuation to break the flow of connected thought was necessary or appropriate from its initiation with the words "as well as" until the words "six months", when, on this theory, the thought culminated, was fully expressed, and a natural pause was reached. In fact the punctuation is against the theory sought to be based upon it.

The Cherokee Nation at that time had a constitutional provision (Sec. 2, Art. 1) against their own full-blood citizens, that:

> Whenever any citizen shall remove with his effects out of the limits of this nation, and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease.

This provision operated instantly upon the native Cherokee, whenever and as soon as he removed his person and effects from the nation and identified himself with a community alien to it. Had the treaty benefit been limited only to such freedmen, or former slaves as were then in and identified with the nation, the provision would have been as liberal to the freedmen as was the Cherokee constitution toward its own full blood citizens. In giving a six months period for their return

the treaty was more liberal to the freedmen than was the constitutional provision to the native-born. This no doubt was due to the conditions of the time at close of a period of war when social disorder caused many to remove to safer localities. The proper period to be allowed because of such conditions was one to be determined by the treaty parties, but consideration of the circumstances of the time and the provision of the constitution of the Cherokee Nation show that it could not have been intended to give freedmen an unlimited time to return and thus to extend a privilege as to absence far above that of full blood native citizens.

For these reasons, as well as those advanced in my former opinion, I am of opinion that the six months period in Article IX, of the treaty, supra, applies equally to former slaves and to former free persons of color, and adhere to the opinion formerly expressed.

Passing now to the case of Burrell Daniels and others, I desire to call attention to the opinion of March 22, 1904, that "residents" in the treaty has reference to the place of legal domicile, not that of actual accidental presence, and also to my opinion of April 16, 1904 (in I. T. D. 6308-1903; 799 and 1240-1904), in case of Charles Foreman, in the final paragraph of which it was noticed that "one under actual restraint, whether

legal or not, can not freely choose his own place of abode, or his domicile", meaning thereby his place of usual actual physical presence and place of living. At the time of emancipation of the slaves by the Cherokee Nation, February 1863, referred to by Article IX of the treaty (14 Stat., 799) the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands went to Mexico, carrying Daniels with them and sold him to Mexicans, where he was held in peonage until his return was effected by intervention of the United States.

It does not appear when Daniels' deportation occured more definitely than that it was after Kirby Smith's surrender (May 26, 1865), and before August 20, 1866, as Colonel Bryant, in command of the force holding Daniels, had been ordered to turn in his army equipage, but refused to do so, went south through Texas into Mexico, taking with him the negroes and a herd of cattle. By August 20, 1866, the banditti which infested Texas

after the surrender of the organized armies had been suppressed, dispersed, or expelled, and the termination of the period of war was proclaimed (14 Stat., 814). Colonel Bryant's party was one of these insurgent banditti, and Daniel's removal, deportation into peonage in Mexico, was evidently after the fall of the organized confederate government and surrender of its armies, and was without any semblance of authority of an organized government, but was a mere act of brigandage. It is clear thatDaniel's deportation by brigands and sale into peonage in Mexico and his detention there worked no change in his residence and forfeited no rights. While held in peonage he must be regarded as resident and domiciled in the Cherokee Nation, and his children born there as born in the nation.

The United States interferred in his behalf, effected his release from peonage, and returned him to the United States after about six or seven years of foreign servitude. He was not returned, however, to his home in the nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cerokee country, when no railroads had penetrated those regions or afforded facility for travel. His rights and the consequences of his delay in effecting his actual return from San Antonio to the Cherokee Nation must be determined upon the same principles as the case of a native Cherokee citizen under section 2, Article 1, of the Cherokee Constitution, had a native citizen, at the time

of Daniel's return by the United States to San Antonio, been forcibly taken and sent down at San Antonio.

To that time Daniel had been able to do nothing and had done nothing to change his legal domicile from the nation. He had been forcibly and tortuously deported by brigands and sold into servitude. No rights could be lost thereby. In legal aspect he was while in foreign passage and actual resident of the Cherokee Nation and citizen thereof under Article IX of the treaty. If upon being freed from physical restraint he returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation. If, on the other hand, he pursued such course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

As to what the fact was in this respect I do not regard it proper for me, in the first instance, to find from the evidence in the record, thus forestalling the Commission to the Five Civilized Tribes and the proper reviewing officers whose province it is to adjudge the facts. As the commission did not base their decision upon proper grounds, but based it upon a

supposed bar in Article IX of the treaty against their consideration of these facts, regarding him as not domiciled in the nation on or prior to August 11, 1867, whereas he should be regarded as so domiciled therein; and or upon their decision should be vacated, and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Daniels or the nation to introduce further evidence bearing upon the question of intention to change his domicile prior to his actual return to the nation.

Very respectfully,

(Signed) Frank L. Campbell,
Assistant Attorney General.

Approved, May 9, 1908:

(Signed) E. A. Hitchcock.
Secretary.

E.W.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 12, 1905.

D.C. 24859-1905.
L.R.D. 5330-1905.

Direct.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On June 24, 1904, following the recommendation of the Indian Office of June 17, 1904, the Department affirmed your decision of January 18, 1904, refusing to enroll, as Cherokee Freedmen, the applicants in the case of Burrell Daniels, et al. (F.R.40).

A motion for review was filed on behalf of the applicants in this case and submitted to the Assistant Attorney General for this Department for opinion. In an opinion rendered and approved May 9, 1905, the Assistant Attorney General held that if the principal applicant, after being freed from physical restraint, returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation; further, that if on the other hand, he pursued such course as showed an intent to choose a domicil and abide elsewhere, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

The opinion was also expressed that as your Commission did not base its decision upon proper grounds, but based it upon a supposed bar in Article IX of the treaty of 1866, regarding the applicant as not domiciled in the nation on or prior to August 11, 1867, whereas he should have been regarded as so domiciled therein, your decision should be vacated and the case readjudicated under the renewal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation.

In accordance with this opinion, a copy of which is inclosed, the decision of the Department in the case is hereby rescinded; the record and the papers are returned herewith and you are requested to institute a rehearing in the matter.

Respectfully,

Signed Thos Ryan
Acting Secretary.

13 inclosures.

COPY.

Cherokee Freedmen

No.390.

Muskogee, Indian Territory, May 31, 1905.

Durrell H. Daniels,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 13, 1905, remanding this case for further hearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, and introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

SIGNED: T. B. Needles.
Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen

[illegible]

Muskogee, Indian Territory, May 31, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Darrell Daniels, et al, as Cherokee Freedmen, you are advised that the Commission is in receipt of Departmental letter of May 15, 1906, remanding this case for further hearing and reconsideration.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 2, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED) T. B. Needles,
Commissioner in Charge.

Encl. 2-2.

COPY

[illegible]

[illegible]

Muskogee, Indian Territory, May 23, 1904.

Dear Sir:

Attorney for Darrell Hamilton, et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Darrell Hamilton, et al., as Cherokee freedmen, you are advised that the hearing in in receipt of departmental letter of May 14, 1904, remanding this case for further hearing and reconsideration.

The evidence here, therefore, will be been directed to appear before the Commission of the Cherokee in Muskogee, Indian Territory, on June eighth, A. D., on Thursday, June 9, 1904, and introduce such testimony as they may desire in support of said application. You are further advised that the Cherokee Nation will be represented in opposed on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED) T. B. Needles,
Commissioner in Charge.

Encl. Etc.
Register

COPY

Refer in reply to the following:
Land: 5329-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, transmitting the record of the application for enrollment as Cherokee Freedman of Burrell Daniels for himself and his wife Miranda Daniels and minor child, Robert Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Hurley, Rosie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer for herself and minor child Briana Shafer; by Mary Hill for herself and minor children, Alice and Adran Hill; by Lizzie Hayne for herself and minor children, Howard and Hope Hayne; by Mack Daniels for himself and minor child, Mary Daniels; by Thomas Daniels for himself and minor children, Mary, Louella, and Julia Daniels, and by Burrell N. Daniels for himself.

January 18, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Burrell Daniels, and Miranda, his wife and his minor child, Thomas Daniels were the slaves of a Cherokee citizen at the commencement of the war of the rebellion; that during the war they were taken out of

the Cherokee Nation; that after the war they were kidnapped by one Col. Bryant and carried into Mexico and sold into peonage; that in 1871 they were released from servitude and arrived in San Antonio, Texas, during that year; that they did not return to the Cherokee Nation until the year 1884. The other claimants had no rights except as derived from Durrell, Miranda or Thomas Daniels.

Under date of January 14, 1897, this office submitted for consideration and approval the Kern-Clifton roll of Cherokee freedmen. With reference to Durrell Daniels the office said:

"Commissioners Clifton and Kern join in especially requesting the Department to place upon the roll the name of Durrell Daniels No. 4501, and his family. These Commissioners state as follows:

"It was not in the power of the Commission to do this because the evidence shows that he did not return until 1870 or later, but the evidence also shows that at the conclusion of the war he was sold by his owner, a Cherokee, into slavery into Mexico, and kept there for five years, until by the interference of this government, he was taken from Mexican slavery and at once returned to the Cherokee Nation. He and his family are citizens, and these two Commissioners believe that the Cherokee Nation, whilst not willing to recommend his enrollment, yet would not be adverse to having him enrolled."

The same question was raised in this case before Commissioner Wallace, and the facts as stated by these commissioners and as stated by Mr. Daniels himself in his testimony, submitted by them, are corroborative of the testimony as given before Commissioner Wallace, and upon which, he was enrolled by the Department. While under a literal interpretation of the language

of the treaty he might be entitled to enrollment, it was certainly not the spirit of the treaty to exclude persons of this class."

By letter of January 16, 1897, (Ind. Div.8075-1896) the Department approved the enrollment of Burrell Daniels.

It does not appear necessary to pass upon the question of the duress of the claimants, Burrell, Miranda and Thomas Daniels during the period alloted for the return of Freedmen to the Cherokee Nation ending February 11, 1867, for the reason that they do not appear to have made proper effort to return to the Cherokee Nation and claim their rights. On the contrary it is shown that it took them thirteen years from the time of their release from peonage to get to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

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Muskogee, Indian Territory, SEP 25 1905

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of May 13, 1905, (I. T. D. 5330-1905), remanding the record, including the decision of the Commission to the Five Civilized Tribes of January 18, 1904, in the matter of the applications of Burrell Daniels, et al., for enrollment as Cherokee Freedmen, for rehearing and readjudication, in accordance with the opinion of the Assistant Attorney-General, rendered on May -, 1905, wherein it is held that the Commission erred in adjudicating the rights to enrollment as Cherokee Freedmen of the said Burrell Daniels, et al., under the theory that their rights were barred under Article IX of the Treaty of 1866, and that said applicants' rights to enrollment as Cherokee Freedmen should have been adjudicated under the provisions of Section 2, Article I, of the Cherokee constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;..."

In accordance with said instructions, these applications were set down for re-hearing before the Commission on June 8, 1905, and due notice of said re-hearing was sent to all parties in interest.

On the date set for re-hearing, all parties applicant appeared either in person or by attorney, the Cherokee Nation appeared by attorney, and a re-hearing was had therein and the applications again taken under advisement by the Commission.

There is herewith transmitted the record in said cause, together with my opinion of this date, for further consideration by the Department.

In transmitting this record, I desire to submit my views on the questions of law and fact arising in the adjudication of said applications more fully than they are set forth in the judgment in this cause.

Secretary--2.

The following statement of facts is fully supported by the evidence in this case:

That Burrell, Miranda and Tom Daniels, principal applicants, and Nancy Newton, nee Daniels, deceased, through whom all the other applicants herein claim the right to enrollment as Cherokee freedmen, were, at the commencement of the Rebellion, the slaves of Cherokee citizens; that some time during the summer or fall of 1862, said Burrell, Miranda and Tom Daniels, and Nancy Newton, nee Daniels, deceased, were removed from the Cherokee Nation by one Joel M. Bryant, and, after the close of the rebellion were taken by the said Joel M. Bryant to Mexico, where they remained until some time during the early '70's, when they removed to San Antonio, Texas, and a number of years later removed from Texas to the Indian Territory.

The principal applicants herein allege that they were forced by Joel M. Bryant (after the rebellion) to make the trip to Mexico; that after arriving in Mexico, they were sold into peonage, and compelled to remain in that country six or seven years; that upon their release from

passage in Mexico they removed to Texas, where, by reason of the condition of their finances, they were forced to remain a number of years, in order to earn money enough to pay their way to the Cherokee Nation, and that, since the close of the rebellion, it was ever their intention to return to said Nation as soon as circumstances would permit. These allegations are denied by the Cherokee nation.

Under this showing attorneys for applicants contend that said applicants have complied with the provisions of Article IX of the Treaty of 1866, which, in part, provides:

> "That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendents, shall have all the rights of native Cherokees."

Numerous letters and briefs have been filed in this case by the attorneys for applicants, in support of, among others, their contention above indicated. This office refers and calls particular attention to certain parts of said letters and briefs material to the question

now under discussion. In this connection is cited the frequent use, by attorneys for applicants, of the term "poor ignorant people" as designating claimants generally for freedman citizenship in the Cherokee Nation. Aside from the fact that ignorance does not excuse them from compliance with the law, this office advisedly says that the term is a misnomer, and, after several years experience with this class of applicants, it is convinced that they are as fully capable of protecting their own interests as are the Indian citizens of the Cherokee Nation. And the applicants in this case are anything but exceptions to their class.

Several reasons are advanced by their attorneys why said principal applicants should not be required to show that they returned to the Cherokee Nation, after the rebellion, within the time stipulated in said Article IX of the treaty of 1866, as interpreted in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation, et al., but, except the one below discussed, all have been disposed of by the Assistant Attorney-General, in his opinion above referred to.

After asserting that "A slave can have no domicile, inasmuch as he cannot possess one of the requisites, namely, intention", that "A slave has no political rights; 92 U. S. 27", and that "Domicile is a political right", they argue as follows:

> "In the United States a slave was capable of committing crime, of receiving his freedom; of being the subject of homicide, and of modifying, by his volition, very materially, the rules applicable to other species of property. While, under the civil law, slaves were classed among things, and as such, a slave was not considered capable of violating the criminal or civil laws of the country, any more than other domestic animals.
>
> "The modifications placed upon the old civil law theory, were the results, largely, of statutory enactments, since genuine slavery was not known under the original common law. The villiens of the early English times were but feudal tenants of the lowest grade, and were but monuments of Danish tyranny."

From this line of argument they draw the conclusion that:

> "On account of the above named conditions, a slave, emancipated in the United States, acquired the domicile of his owner by operation of law, in the same manner that an infant acquired the domicile of its ancestor, by inheritance." Brief filed with the Department, December 12, 1904.
>
> And again, "When by act of the National Council in February, 1863, the shackles fell from all Cherokee

> slaves, this petitioner became a Freedman, and acquired a right of domicile in some place. From the very nature of the circumstances he must have become vested with the same domicile as his master." Paragraph 1, page 20, Brief filed with the Department, May 6, 1906.

This office is free to admit its inability to follow the reasoning of the attorneys for the applicants, in the extracts from their briefs above set out, but the conclusion reached it can fully understand , and as they cite no authority to sustain their position, it is considered that their conclusion is subject to serious doubt, if not complete rebuttal.

Following the reasoning of attorneys for applicants u in this case, the Assistant Attorney-General says:

> "At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat. 801), the slave became a free man , and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion, Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands, went to Mexico, carrying Daniels with them, and sold him to Mexicans, where he was held in peonage until his return was effected by intervention of the United States." Page 6, Asst. Atty-Gen'l's Opinion.
>
> "To that time Daniels had been able to do nothing,

Secretary-6.

> and had done nothing, to change his legal domicile from the Nation. He had been forcibly and tortiously deported by brigands, and sold into servitude. No rights could be lost thereby. In legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article XX of the Treaty. If upon being freed from physical restraint he returned to his home in the Nation within such time as was reasonably necessary, considering his means and circumstances, and the facilities for travel, he should be regarded as never having been absent from the Nation. If, on the other hand, he pursued such a course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the Nation and took up his residence at San Antonio." Page 6, Asst. Atty-Genl's. Opinion.

It is well settled that prior to the rebellion an African, whether slave or free, had no civil, social, or political rights or capacities whatsoever, except those conferred by statute." And, "every attempt to extend to a slave positive rights was an attempt to reconcile inherent contradictions, for, in the very nature of the case, he was subject to despotism. Law, as to him, was only a contract between his rulers;" Bryan v Watson, 20 Ga. 480; ex parte Boylston, 2 Strob. (S. Car.) 41; Dave v State, 22 Ala. 33; Oliver v State, 39 Miss. 827; Jacobs v State, 3 Humph. (Tenn.) 493;

Eaton v State, 8 Humph. (Tenn.) 181. "He was mere property, and in the United States the right of property in a slave was recognized not only in the Constitution, but by every department of the government, from its foundation to the commencement of the rebellion. The institution was regarded as beyond all cavil entitled to the benefits of all the provisions and guarantees for the protection of any other property". Prigg v Com. 16 Pt.(U.S.) 539; Dred Scott v Sanford, 19 Howard (U.S.) 393; Neal v Farmer, 9 Ga. 555; Redinc's Will 4 Dana, (Ky.) 476; Corbin v Marsh 6 Dur. (Ky.) 198; Thornton v DeMoss 8 Smed.& M. (Miss.) 609; Hunsolite v Thurman, 22 Grat. (Va.) 465, 12 Am. Rep. 526.

In view of the foregoing it is quite apparent that any civil, social or political rights African slaves enjoyed in this country prior to the rebellion must have been conferred upon them by statute, and in the absence of any showing that by statutory enactment slaves were granted the right to acquire a domicile by inheritance , or otherwise, or that said domicile was to be that of their masters, it is not unreasonable to presume that such right did not exist, and

that to ascertain the domicile of a slave since freed the same rules of law are applicable as are applicable to any other free person.

Accepting, for the sake of argument, February 18, 1863, as the date upon which Burrell and Miranda Daniels obtained their freedom (which, however, is error, as at that time said principal applicants were without the jurisdiction of the Cherokee Nation, and, under the law and as a matter of fact, were not free prior to the close of the war), it is considered that any political rights now possessed by them must have been conferred upon them on or subsequent to said date, and as the right of domicile is a political right, their domicile at any time since being freed should be determined in accordance with the law applicable to persons sui juris.

In connection with the foregoing attention is respectfully called to the following authorities, which clearly define the requirements necessary for an adult to establish a legal domicile:

"To acquire a domicile two things must concur: (1) A residence; (2) An intention to make it the home of the party." Hart v Lindsey, (17 N. H. 235), 43 Am. Dec. 597;

"Residence and intention to remain must both concur in order to establish domicile". Gilman v Gilman (52 Me. 165), 83 Am. Dec. 502; Gaviliien v Richard (13 La. 293), 33 Am. Dec. 563.

"To acquire domicile there must be a residence in a place and an intention to make it ones home". Viles v City of Waltham (157 Mass. 342), 34 Am. State reports 311.

"Domicile can only be acquired by the fact of bodily presence, coupled with the requisite animus". Jacobs Law of Domicile, Sec 93, page 150

"A new domicile is not acquired by mere intention to so acquire it, without the fact of an actual removal, nor is it acquired by a removal without the intention". Ringgold v Barley (5 Md. 186), 59 Am. Dec. 107.

"Intention to reside must relate to the future, and not to the past, where it, combined with residence, is relied upon to establish a domicile". Gilman v Gilman, supra.

Numerous authorities to the same effect could be collected, but it is considered that the foregoing citations are sufficient to show that two things must concur in order to establish a legal domicile: (1) Bodily presence; and, (2) An intention to make it the home of the party. If either

requisite be lacking, or they are not coincident, no domicile is established.

Applying the law of domicile to the facts established by the evidence in the case now under consideration, it will be found that prior to 1884, if then, one or the other of these elements necessary to establish their domicile in the Cherokee Nation, was ever lacking on the part of the applicants. Prior to February 16, 1883, when the principal applicants were bodily present in the Cherokee Nation, they had not the legal capacity to possess one of the requisites, namely, intention, and in so far as this office is able to discover after a somewhat exhaustive research, there is no law, custom or judicial decision to the effect that this intention could have been supplied or exercised by any one for them.

Subsequent to said last above mentioned date, and prior to 1884, while they may have possessed, during all this time, the legal capacity to choose a domicile, the fact remains that they were not bodily present in the Cherokee Nation during said interval; consequently, said applicants

did not, and as a matter of law could not, establish a domicile in said Nation until they were not only bodily present, but legally capable of intending to make that Nation their home, which requisites, as the evidence shows, did not concur prior to the year 1884. Hence, under the law, they did not comply with the provisions of Article IX of the Treaty of 1866, relative to establishing a residence in the Cherokee Nation.

On May 22, 1904, the Assistant Attorney-General, in reply to certain questions submitted to him by the Attorneys for the Cherokee Nation, held that:

> "The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given or created by the treaty. It is not in the nature of a condition precedent but essentially part of the facts out of which the right given arises. There is no right independent of the condition imposed. Such limitation affects all alike, competent or incompetent.
>
> "Residence is a word of varied meaning, incapable of accurate definition without reference to the context in which it appears. It is used with equal propriety in the sense of legal domicile, and in that of a temporary place of abode. The context shows that the object of the provision (Article IX treaty of 1866), was to give the status of citizenship in the Cherokee Nation to classes of persons who before did not have it, many of whom had lately been mere chattels. Its purpose

was to raise persons of inferior or no civil status to that of dignity and of legal equality with the body of citizens.

"I am of opinion that physical return of the person within the time prescribed by the treaty was not necessary in those cases where a domicile theretofore held in the Cherokee Nation had not been abandoned or lost, and that the person might be excused from return by inability or like reasons as prevent loss of domicile by one not actually resident at the place of legal domicile".

This ruling was followed by the Commission in numerous decisions since rendered, and it was ever its understanding that it was incumbent upon freedmen claimants to show that during the interval between the time of obtaining their freedom and February 11, 1867, they, or the ancestor through whom they claim their right , had established a legal domicile in the Cherokee Nation. The question of facilities for travel, financial conditions, distance applicant was removed from the Cherokee Nation, size of his family, and a great many other hindering causes that applicants may now plead, if the new ruling in this case is permitted to stand, were never gone into, but applicant's rights have ever been determined upon, among others, the clear-cut proposition--Were you or those through whom you claim the right to enrollment as a Cherokee freedman, actually present in

the Cherokee Nation with the intention of establishing a residence therein, during the interval between the date of being freed and February 11, 1867? And it is but fair to the Cherokee Nation that this should be the extent of the inquiry along this line.

The Cherokee Nation is not responsible for the existence of conditions that prevented the freedmen from complying with the treaty stipulations of 1866; and, further, if freedmen claimants are permitted to plead the many reasons suggested by the new ruling in this case, as excuses for their non-compliance with said treaty stipulations, the Nation is at the mercy of the freedman applicant, for not only are the majority of these reasons matters peculiarly within the knowledge of the applicant, but, if alleged, as undoubtedly they will be, are at this late date incapable of being rebutted.

Furthermore, this ruling, in effect, removes from Article IX of the Treaty of 1866, the time limit within which freedmen were required to establish their residence in the Cherokee Nation. If the said Act of February 18, 1863, ipso facto, made absent freedmen domiciled citizens of

the Cherokee Nation, what object can there be for investigating the question as to when freedman applicants or their ancestors returned to the Cherokee Nation and established their residence therein after the rebellion, when the only advantage to be obtained by complying with this provision was to secure a political right which, under the ruling in this case was already theirs?

Under this ruling the only question for investigation and determination would be: Was there been a forfeiture of the rights absolutely conferred by the treaty of 1866, upon those who were the slaves of Cherokee citizens, or free colored persons residing in the Cherokee Country at the commencement of the rebellion, and their descendants?

It is for these reasons;

(1) The ruling of the Department is not in accordance with the law; and,

(2) To follow said ruling to its logical conclusion will necessitate the reopening of numerous cases heretofore passed upon by the Commission to the Five Civilized Tribes and the Department and the adoption of an entirely new construction of the law applicable to Cherokee Freedman cases;

that this office respectfully requests that the ruling in this case be reconsidered and the former decisions of the Department in this class of cases be adhered to.

It is however, considered by this office that even though Burrell and Miranda Daniels and family were domiciled citizens of the Cherokee Nation on or prior to February 11, 1867, they subsequently forfeited their Cherokee citizenship, under the provisions of Section 11, Article I, of the Cherokee Constitution, and in this connection attention is called to the following points in this case.

The evidence in this case does not show that Joel W. Bryant refused to turn in his equipage at the close of the rebellion; or that he was at the head of an "insurgent band" or that he or any one of his company, ever stole a bovine in their lives; neither does the evidence show that either or any of them compelled any red, white or black man, woman or child, to accompany them to Mexico, in 1866, or at any other time. All such allegations are based upon the unsupported and uncorroborated testimony of Burrell Daniels.

In re testimony of Burrell Daniels: This applicant seems to have had a wonderful knowledge of his former

master's business at a time too, when he would have it believed that his ancestor was engaged in a transaction that involved secrecy. He is perfectly familiar with the motive that prompted Cole Bryant to go to Mexico, and testifies positively that Cole Bryant sent certain members of his party, giving their names, from West Texas to East Texas to steal cattle; and that after a short absence they returned with 1000 head, which they took across into Mexico. He further testifies that he never could read [redacted] but that he, with others, was compelled at the point of a gun, to enter into a contract whereby they agreed to pay Cole Bryant for their transportation from Texas to Mexico. All of which is denied, and the contrary alleged by the witnesses for the Cherokee Nation, who were members of Cole Bryant's party from Texas to Mexico in 1858.

Attention is further called to the testimony of Burwell Daniels relative to his return from Mexico to Texas. On his first appearance before the Commission he testified that he and his family were released from passage in Mexico through the intervention of President Grant, and that they

Sworn statement.

were brought from Chihuahua to the Rio Grande by soldiers sent into Mexico to effect their release; that the soldiers paid him $20.00 for services rendered during the trip, and that he and his family immediately thereafter started for San Antonio. On his last appearance before the Commission he outlined the soldier features of his release and return, and testified that he effected the release of himself and family in Mexico, by laboring until the amount for which he was held was satisfied; that he, leaving his family at Guadalupe, together with Mr. Evans, a lumberman, followed a train of wagons from Chihuahua to the Rio Grande river, where he worked in a mill for two months, during which time he sent money to his family in Mexico for their support; that finally, he arranged with a man in charge of a Mexican wagon train to bring his family to him, the consideration being $10.00, and that after their arrival, he and his family remained on the Rio Grande river for a while, or until he arranged with the boss of another wagon train to transport himself and family to San Antonio, and that, on their arrival at the latter place, instead of charging him anything for transportation, the man in charge of the train paid him $10.00, for services rendered during the trip.

Secretary--20.

In view of the many unreasonable and improbable assertions made by the applicant, Burrell Daniels, relative to matters that he could have known only by hearsay, or by drafts upon a rather vivid imagination, of which he seems possessed, in connection with the many contradictory statements made by him, it is considered that his testimony is of little value in ascertaining the facts at issue in his case, and that his note, in connection with certain facts known to this office, will better serve as a guide in determining whether or not it was his intention, after the rebellion, to return to the Cherokee Nation as soon as circumstances would permit.

Burrell Daniels testifies that he knew nothing of the treaty of 1866 prior to his removal to the Cherokee Nation in 1884, hence, it cannot be inferred that during the interval between July 19, 1866, and the date of his removal to said Nation it was ever his intention to comply with its provisions.

The testimony of Burrell Daniels as to dates and places of birth of his children, records of their marriages, and other attendant circumstances, shows that he and his family

lived at least twelve years in Texas; but, after the most thorough examination, this applicant will account for but five and one-half years spent in that State, which, on its face shows an indication to keep back facts that would tend to show whether or not he intended to make Texas his home.

It is urged by the attorneys for applicants as a reason for Daniels and his family's failure to return to the Cherokee Nation at an earlier date, that their stay in Texas was at a time when no railroads had penetrated those regions (Weimar and San Antonio, Texas), or afforded facilities for travel. This is but a quotation from the Assistant Attorney-General's opinion rendered on May 9, 1906, wherein he says:

> "He (Darrell Daniels) was not returned, however to his home in the Nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cherokee country; when no railroads had penetrated those regions or afforded facilities for travel".

It is a matter of public knowledge that the Missouri, Kansas and Texas Railway was built through the Indian Territory to Denison, Texas, during the years 1871 and 1872, and

Secretary-2.

It is known to this office that this line passes through the Cherokee Nation within ten miles of Burrell Daniels' old home on Grand River.

"In 1880, General Sidney Sherman organized, in Boston, Mass., a company for the building of a railroad in Texas. In 1881 the Buffalo Bayou, Brazos & Colorado road was begun, and the shrill whistle of the engine was heard at Harrisburg. The road, in 1882 had reached the Colorado river, only sixty-five miles from its starting point. This was the beginning of the great line now known as the 'Sunset Route' (Southern Pacific). A new History of Texas, Revised Ed. page 324. (This is the railroad on which Burrell Daniels and his family traveled from San Antonio to Weimar, shortly after their removal from Illinois to Texas).

"In 1849 a charter was granted to the Galveston & Texas Central; work was not begun till 1853, and in 1861 not more than eighty miles had been completed. Twelve years later the road reached Denison and became a mighty thoroughfare of traffic.

"Even as late as 1867 the railroads in Texas were few in number and limited in extent; the total mileage amounting to not more than four hundred miles. From 1873 to 1890 there was a wonderful increase; towns sprang up in all directions, new stations were opened and rapidly settled, everywhere the iron horse carried civilization, comforts and luxuries." Id.

Thus it will be seen that as early as 1873 there was a direct all-rail route from that part of Texas (Weimar and San Antonio), where the Daniels's were located, to within

a few miles of their old home in the Cherokee Nation. This, it is believed, fully settles any question as to the railroad facilities between the Cherokee Nation and San Antonio, Texas, and successfully refutes any allegations to the effect that such facilities were inadequate.

It is contended in behalf of applicants, that while Daniels and his family were living in Texas, they were the "victims of the vicious system of share-farming" and that this must be considered as one of the attendant circumstances which prevented them from returning to the Cherokee Nation at an earlier date. Terrell Daniels testified that he raised four crops in Texas. The first year he came out in debt. The second year he left the place after the crop was put in. The third year he came out even, and the fourth year he made enough out of the crop to pay up "all our debts and everything and we had enough money to come to Muskogee." This is the extent of their farming in Texas, as far as the record shows, and it does not indicate that they were the victims, for any length of time, at least, of the

so-called "Peleiota system of share-farming", alleged to be at that time prevalent throughout the south.

Another fact established by the evidence in this case, and worthy of comment, is that: The testimony of Purrell Daniels shows that starting from Chickasha, Nation, with no financial means, and traveling only by wagon train, the distance between Chickasha and San Antonio, Texas, 350 miles, was covered by himself and family within a few months, but he spent the distance between San Antonio, Texas, and Muskogee, Indian Territory, 768 miles overland, or 702 miles by rail, required twelve years for himself and a part of his family to make the trip, and for other members of his family it required twenty-four years to reach the Cherokee Nation.

Attention is also called to the fact that the evidence in this case shows that Purrell Daniels and those who returned with him to the Territory after the rebellion, did not settle in the Cherokee Nation, but rather in the Creek Nation, where, as indicated by the Wallace Roll (1896), Cherokee Census Roll of 1883, and Kern-Clifton Roll (1896), they resided continuously for twelve or thirteen years.

The foregoing it is respectfully recommended shows conclusively that neither Purrell Daniels, nor any member of

Secretary--6.

his family returned to the Cherokee Nation after the rebellion as soon as circumstances would permit, but rather that the return of part of this family to the Indian Territory sixteen years after the close of the rebellion and the return of other members of said family thirty-two years after the war, was due to some cause other than a desire or an intention to seek or acquire any citizenship rights in the Cherokee Nation.

This cause is discussed thus in detail because of its great importance to the work of enrollment of the Cherokee Freedmen. This work is at the present time almost completed. It has been attended by many difficulties arising principally by the reason that the tests to be established occurred thirty-five or more years ago, which lapse of time necessarily dims and clouds the memory of the witnesses.

The great bulk of this work was done under precedents and an interpretation of the law entirely at variance with the opinion of the Assistant Attorney-General of May 9, 1908, rendered in this cause, and the confusion which would result from a change at this late date cannot be overestimated.

Already many citizens who reopen and reconsider in the light of this ruling cases long since closed, have been

Respectfully,

Filed and many other applicants are now waiting for final decision in this case along the lines laid down in the opinion of the Assistant Attorney General, supra, to pray for a reconsideration in their cause.

It is therefore respectfully recommended that this matter be again carefully considered in the light of the views herein set forth and that my decision in this case, herewith transmitted, be affirmed.

Respectfully,

Tams Bixby,
Commissioner.

Through the

Commissioner of Indian Affairs.

Inck. 3 to
EWB

Cherokee Freedman

D-49, et al.

COPY.

Muskogee, Indian Territory, September 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

LS

Incl. S-49

Cherokee Freedmen

COPY-

R-40, et al.

Muskogee, Indian Territory, September 28, 1906.

Pike & Bulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1906, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was on September 25, 1906, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby

Commissioner.

LS
Incl. S-48
Register

Cherokee Freedman.

R-320.

COPY.

Muskogee, Indian Territory, September 26, 1906.

Farrell E. Daniels,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Rice & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been transmitted to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1906, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby,

Commissioner.

LS
Incl. R-41
Register

Cherokee Freedman

R-399.

COPY.

Muskogee, Indian Territory, September 28, 1905.

Burrell K. Daniels,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been transmitted to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

LS
Incl. S-43
Register

Muskogee, Indian Territory, October 16, 1909

The Honorable,

The Secretary of the Interior,

Sir:

On September 21, 1909, there was transmitted to the Department the record of proceedings had in the contested case of Burrell Daniels, et al., Cherokee Freedmen R 90, et al., wherein, in the decision rendered on said date, this office found that the said Burrell Daniels, et al., possessed no rights to Cherokee freedmen citizenship. Said letter set forth the views of this office relative to the law applicable in determining the status of said applicants to enrollment as Cherokee freedmen.

I now have the honor to direct your attention to certain proceedings had before the Court of Claims, in the case of Charles Journeycake, et al., v. the Cherokee Nation, et al., 31 C. of Cls. 40, and which are considered pertinent to the position taken by this office, and material in

Secretary's.

determining the rights to Cherokee citizenship of the above [illegible] applicants.

CHARLES SQUIRRELTAIL PROCTOR, ETC., v. THE [illegible]

JOHNSON [illegible] v. THE [illegible]

[illegible] v. THE [illegible]

[illegible] v. THE [illegible]

[

of Claims placed upon its decree in said Whitaire case, rendered on February 3, 1896, hence, in legal effect, is a part of said decree.

Paragraph II, Section 21, of an Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

> "It (the Commission) shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

Said Paragraph II, above quoted, is the jurisdictional act under which this office is making a roll of Cherokee freedmen, and it is respectfully submitted that in view of the foregoing, neither this office nor the Department, has authority to grant the application for the enrollment as a Cherokee Freedman of any one who can not show that he, or, in case of one who claims as a descendant, that the ancestor through whom he obtains his right to Cherokee Freedman citizenship, was actually residing in the Cherokee Nation on August 11, 1866, or established a residence in said Nation within six months thereafter.

It is respectfully requested that this letter be

Secretary --6.

made supplemental to, and considered as a part of the record in, the proceedings had in the case of Murrell Daniels, et al., applicants for enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner.

I.

(COPY)
WCP

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.
WASHINGTON.

118-19 06.
I.T.D.

February 27, 1907

The Secretary

of the Interior,

Sir:

You referred the papers relating to the application of Burrell Daniels et al., for enrollment as Cherokee freedmen, for opinion concerning questions of law presented by the Commissioner to the Five Civilized Tribes.

This case has been under consideration at various times and in opinion of May 9, 1905, it was recommended that the decision of the Commission to the Five Civilized Tribes, adverse to applicants, be vacated, "and the case readjudicated under the removal or expatriation provisionof the Cherokee constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation." The case was returned to the Commissioner of the Five Civilized Tribes and further hearing was had. The facts developed are substantially that Daniels and other negroes, formerly slaves of Cherokees, at about the close of the civil war were taken out of the Cherokee Nation and to Mexico where they were held under the peonage law of that country until about 1872 when they were returned to this country. Daniels

remained at San Antonio and other places in Texas until about 1884 when he returned to the Indian Territory. He claims that he was not before that time able to save enough to carry him to his former home although it was always his desire and intention to so return. Upon his return he stopped at Muskogee in the Creek Nation and the date when he actually entered the Cherokee territory is not clearly shown.

The Commissioner of the Five Civilized Tribes held that Daniels was not entitled to enrollment. The Indian Office was of opinion that Daniels and others with him did not use diligence in returning to Indian Territory and are not entitled to enrollment:

The act of April 26, 1906 (34 Stat., 137) provides:

> The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six; or who actually returned and established such residence in the Cherokee Nation on or before February eleventh eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes, or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.

Upon the theory that Daniels' departure from the Cherokee Nation was not voluntary it might be held that notwithstanding his removal he still held a legal residence in the Nation. Evidently, something more than constructive legal resi-

remained at San Antonio and other places in Texas until about 1884 when he returned to the Indian Territory. He claims that he was not before that time able to save enough to carry him to his former home although it was always his desire and intention to so return. Upon his return he stopped at Muskogee in the Creek Nation and the date when he actually entered the Cherokee territory is not clearly shown.

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Upon the theory that Daniels' departure from the Cherokee Nation was not voluntary it might be held that notwithstanding his removal he still held a legal residence in the Nation. Evidently, something more than constructive legal resi-

dence was contemplated by the Act of 1906. It had previously been held that one who had a constructive residence in the Nation, August 11, 1866, was within the terms of the treaty of July 11, 1866 (14 Stat. 801), which provided that freedmen and free colored persons "who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees." If it had been intended that this ruling should continue to control there would have been no necessity for further legislation on the subject. The only possible conclusion is that it was intended by the Act of 1906 to change existing law as construed and to provide some different and stricter rule to guide in the enrollment of Cherokee freedmen. Evidently, it was intended to require something more than constructive residence. Under the new rule one, to entitle himself to enrollment as a Cherokee freedman, must show that he was actually not constructively residing in the nation August 11, 1866, or that he returned and established in person an actual residence within six months from that date or that he is a descendant of some person who had met these requirements. When this rule is applied to the applicants it seems clear that they can not be enrolled in spite of any equities they may have in the premises.

Nor are they saved by the qualifying clause. While they have met the condition of having made application they have

not been adjudged entitled to enrollment by the Secretary of the Interior.

I am of opinion, and so advise you, that the provision of the act approved April 26, 1906 prevents the enrollment of these applicants.

The papers are returned.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved:

February 27, 1907.

E. A. Hitchcock,

Secretary.

R.C .12467

I.T.D.3484-1907 COPY SPECIAL RTN I.T.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

THE DIRECT.

February 26, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of February 27, 1907 approved the same day, in the matter of the application of Burrell Daniels et al., for enrollment as Cherokee freedmen.

In accordance with said opinion the application is denied.

The papers in the case have been transmitted to the Indian Office, with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 11 incs.

for ind. Off.

A P We

3-1-07

Cherokee F.
R 290

COPY

Muskogee, Indian Territory, March 15, 1907.

Durrell H. Daniels,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that your application for enrollment as a Cherokee freedman, was denied, among others, by the Secretary of the Interior, February 28, 1907.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

JMH

Barbee v.
R et al.

COPY

Muskogee, Indian Territory, March 13, 1907.

William M. George,
Attorney for Darrell Daniels, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Darrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 26, 1907.

For your information, there is enclosed herewith a copy of Department's decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl. H-28
JEM

Cherokee P.
R 58, 58 al.

COPY

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Bunnup, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl. R-58
JMC

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mr. Burrell H. Daniels,

Muskogee, Indian Territory.

Q How long did you stay in Texas? A Don't know how long, worked in San Antonio several years.

The Kerns-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows: page 181, No. 4453, Burrell Daniels, Creek Nation, Page 181, No. 4457, Robert Daniels, Creek Nation.

By Com'r Needles:

The name of Burrell Daniels is not found on the authenticated roll of 1880 or the census roll of 1896, but his name is on the Kerns-Clifton pay roll of 1894; the name of his wife Miranda is not found on any of the rolls in the possession of the Commission. The name of his son, Robert, is found on the Kerns-Clifton roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment ass Cherokee Freedman and that of his wife and son, will be refused and they will be rejected.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 20th of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographerto the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 18th day of December, 1901.

Commissioner.

To be filed in C.R.D. 1100, Thomas Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 10th, 1901.

In the matter of the application of Burrell Daniels for the enrollment of himself and wife and one child as Cherokee Freedmen. He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q What is your age? A About 70.
Q What is your postoffice address? A Tahlah.
Q What district do you live in? A Coowoosecowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Have you been recognized as a Cherokee freedman by the Cherokee authorities? (No response.)
Q Is your name on any of the Cherokee rolls? A Yes, sir.
Q Who is it that you desire to have enrolled besides yourself? A My wife and children.
Q What is your wife's name? A Miranda.
Q How many children have you under twenty-one? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 20.
Q About how old is your wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No, sir, but it is on the Wallace roll and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand River west of Vinita.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes, sir.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q When did you return from the Choctaw Nation to the Cherokee Nation? A They taken a bunch of us and went to Mexico.
Q How long did you stay there? A Five or six years, in Mexico on a ranch and one year with a Jew from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I don't know how long, I was working my way back from place to place, didn't have any means of getting back and had to work my way.
Q When did you get back to the Cherokee Nation? A I don't remember exactly the date, but I got back here when Mr. Bushyhead was chief. I get back when Cherokee Council was in session and I applied to the Council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Suss Ivy and some others took it up and it passed all the council excepting the full blood and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the council excepting the full bloos and they did not wait for them and council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Nation.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes, sir.

Q Did she come back with you? A Yes, sir.
Q Where was Hubert born? A He was born in San Antonio.
Q How old was he when he came to the Cherokee Nation? A Don't know exactly, he was just a little bit of a kid though.
Q Was he with you all the time? A Yes, sir.
Q Did he come back with you? A Yes, sir.

Edgar Smith, attorney for applicant, continues examination:

Q State just how you happened to be taken to Mexico at the close of the war instead of coming back to the Cherokee Nation? A Well, it was just this way: When the war ended and we were going to come back here, General Cooper ordered Col. Bryant to turn over all his teams and he refused to do it and he then gathered up a bunch of us colored people and started south with them and we got in to Texas and there were camped on the plains and rounded up a bunch of about fifteen hundred head of cattle and went on to the Rio Grande River, and before we crossed over into Mexico he made us all get into line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves who was set free did not owe their old masters anything; but he drewed it up in writing and made us all sign it and then we went in to Mexico and there the Mexican government didn't have any law as old Maxamilliane was in power then, and they had a law called the Peon law and they peoned me out to a Mexican. The Mexican governor———————— gave $113.00 for me and I worked for him on a ranch for several years until a Jew fellow who had come from New York came around there and said that his wife was used to colored people and wanted one for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him and he was living in Chihuahua and I was taken there and cooked for him for a year. The governor of Chihuahua who was named Don Terasso was the man who had me peoned and the Jew paid us out from him. They taken us to Chihuahua the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. Bryant and there was some people there who takin our part and put it into court and we staid in court a week but the Mexicans had no law there any more as old Maxamilliane was there and in power and they said that if we had been there sooner that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and then Gen. Grant sent them two officers down there in regard to relieving us and they took us away and they sent from Chihuahua to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would shoe so many mules for them and when they got to a certain place across the Rio Grande called————————they left us and I went on to San Antonio. When the troops left us I asked them how much I owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed me $20.00 and then I went on to San Antonio with my family.
Q And the officers brought you into Texas and turned you loose and you went on to San Antonio? A Yes, sir.
Q And you say you worked in San Antonio several years before coming on to the Cherokee Nation? A Yes, sir.
Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to

Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work your way to the Cherokee Nation? A Yes sir, I was taken down there by Col. Bryant and peoned out to Don Lewis Terrasse the Governor of Chihuahua.
Q And that is the reason that you did not come back to the Territory? A Yes, sir.
Q Were you a slave during the war, or before the war? A Yes, sir. I was before the war, and during the war was a teamster and cook in the Confederate army.
Q So it was some years after the surrender that you got back to the Indian Territory? A Yes, sir, I found my mother here on the river when I got back, I came back when Bushyhead was chief.

By W. W. Hastings, Cherokee Representative:

Q About what year was it that you came from Mexico to San Antonio? A I don't know.
Q You stated that you staid in San Antonio several years? A Yes, sir.
Q How many? A Five or six years on a ranch in Mexico.
Q Then you were in Mexico after the war for five or six years? A Yes, sir.
Q I believe that you testified that you came back to the Cherokee Nation when Mr. Bushyhead was chief? A Yes, sir.
Q Then for five or six years after the war you were in Mexico and then you went to Texas and staid there several years before coming on back here? A Yes, sir, I worked in San Antonio several years before I came back here.

By Edgar Smith:

Q State more fully at what time you were taken to Mexico and by whom that was done. A Whenwe got there in Mexico he (Q Who? A Col. Bryant) was camped about a mile from the city of Chihuahua and was selling off the colored people to pay what he said we owed him. He was letting little girls go for $30.00 each and when I saw it I walked away and went into the city and he had me arrested and there were some people there who taken our part and took it into court and we staid in court about a week, and at that time old "Maxamillian" and his French was in power and the Mexican Government had no laws and they peoned us all out to pay that claim and the governor of the state of Chihuahua said that he would pay $115.00 for me and he paid it to him. (Q Who paid it to who? A The Mexican governor to Col. Bryant.) Col. Bryant said that me and my family owed him $500.00 and the governor of Chihuahua paid him $115.00 and we worked on his ranch.
Q Did you owe him anything? A Not a cent.
Q But you were sold to the Mexican governor for $115.00 and worked for him on his ranch? A Yes, sir.
Q How long did you work on that ranch? A Five or six years.
Q You say Gen. Grant took you out? A ~~Yami~~ Yes, sir, sent two officers to take us out.
Q How much money did you have when you left Mexico? A Didn't have any.
Q Why didn't you come back to the Indian Territory right away after you left Mexico? A Well, I got to San Antonio and had to work there to get on as I did not have any money and had a large family.

By Commissioner Needles:

Q How long did you stay in Texas? A. Don't know how long, worked in San Antonio several years.

The Kerns-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows: page 181, No. 4455, Burrell Daniels, Creek Nation, Page 181, No. 4457, Robert Daniels, Creek Nation.

By Com'r Needles:

The name of Burrell Daniels is not found on the authenticated roll of 1880 or the census roll of 1896, but his name is on the Kerns-Clifton pay roll of 1894; the name of his wife Mizzouh is not found on any of the rolls in the possession of the Commission. The name of his son, Robert, is found on the Kerns-Clifton roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment asa Cherokee Freedman and that of his wife and son, will be refused and they will be rejected.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 20th of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographerto the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

(Arthur G. Croninger

Subscribed and sworn to before me this 18th day of December, 1901.

Commissioner.

Arthur A. Greninger, being duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur A. Greninger

Subscribed and sworn to before me this 17 day of December, 1901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 18, 1901.

In the matter of the application of Thomas Daniels for the enrollment of himself and his two children as Cherokee Freedmen, also for the enrollment of his grandchild as a freedman.

The said Thomas Daniels, being duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Thomas Daniels.
Q How old are you? A I am about 42 or 3.
Q What is your postoffice address? A My postoffice, Muskogee.
Q Muskogee? A Yes, sir.
Q Where district in the Cherokee Nation are you living in? A In the Cherokee.
Q What district do you live in? A I live over here in Fort Gibson.
Q Illinois District? A Yes, sir.
Q Do you desire to make application for enrollment as a Cherokee Freedman? A Sir?
Q Do you desire to make application for enrollment as a Cherokee Freedman? A Yes, sir.
Q Do you wish to enroll anyone besides yourself? A Yes, sir.
Q Whom do you desire to enroll? A Why, I have two girls.
Q What is the name of the oldest child? A The oldest one is Molly, Mary.
Q How old is Mary? A Mary is eighteen years old, going on 19.
Q What is the name of the next one? A The next one is Lonella Daniels.
Q How old is she? A She is sixteen.
Q Is that all, just these two children? A She has one grandchild.
Q Who has a child? A Why, I say I have one grandchild.
Q How old is your grandchild? A Two years eight months old.
Q Do you desire to make application for her? A Yes, sir.
Q What is her name? A Julia.
Q Julia Daniels? A Yes, sir.
Q Is this your grandchild? A Yes, sir.
Q Who is the mother of this child? A There she stands right there.
Q What is her name? A Mary Daniels.
Q Have you ever applied for enrollment as a citizen of any other tribe or nation? A No, sir.
Q You have never made application for enrollment as a citizen of any tribe except the Cherokee tribe? A No, sir, not except in the Cherokee tribe.
Q Who is the mother of Mary Daniels? A Nilla.
Q She living or dead? A She is dead.
Q Was she a recognized Freedman? A No, sir, she was a state woman.
Q State woman? A Yes, sir.
Q Is she the mother of Lonella? A She is the mother of Lonella and Mary.
Q Who is the father of Julia? A Garfield Dixon.
Q Do you want this child enrolled as Julia Daniels or Julia Dixon? A Julia Daniels.
Q What is your father's name? A Burrell Daniels.
Q Your father is living? A Yes, sir.
Q Is your father a Cherokee Freedman? A Yes, sir, he is a Cherokee Freedman.

Q What is your mother's name? A Mary Daniels.
Q Is she living? A Yes, sir.
Q Is she a Freedwoman? A Yes, sir.
Q Where were you born? A I was born about fifty or sixty miles above Fort Gibson.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you continue to reside there? A Why, I don't know exactly, I can't tell, I was quite small.

Q When you went away from there? A Yes, sir.
Q Where did you go to? A To old Mexico.
Q How long did you remain in Mexico? A Why, I can't tell, two or three years or four, I don't know.
Q Did you go to Mexico during the war or previous to the outbreak of the war? A I can't tell you whether it was during the war or after the war. After the war.
Q After the war? A Yes, sir.
Q About how long after the war you don't remember do you? A No, sir.
Q After you were taken to Mexico did you say that you stayed there for a period of three years? A Four or five or three.
Q And then where did you go? A We transferred back to Texas.
Q How long did you continue to live in Texas? A I can't tell, I never kept account of the number of years.
Q About how old were you when you came back to the Territory after you were taken to Mexico? A I can't tell, my father will have to tell you.
Q Were you a boy, grown? A I was a lad.
Q Do you remember when you came back? A Yes, sir.
Q Do you remember about how old you were? A I can't remember about how old I was at all, but I was nothing but just a small lad of a boy.
Q Do you remember the trip back from there home? A Oh, yes, I remember the trip back.
Q After you came to the Cherokee Nation did you live here continuously? A Yes, sir.
Q How long have you lived in the Creek Nation? A In the Creek Nation, why I haven't lived in the Creek Nation at all, I have been first in and out, backwards and forwards, but I have made it my stationary home in the Cherokee Nation.
Q Where are you living now? A I am living in the Cherokee Nation.
Q How long have you lived there? A I have been living over here in Fort Gibson, I have been I guess a few months.
Q How long at any one time did you live in the Creek Nation? A Why not over, I don't suppose over two or three weeks at a time.
Q Did you ever live in Arkansas? A In Arkansas, no, sir, I don't know.
Q Did you ever reside in Texas other than the time that you passed through Texas on your way from Mexico to the Cherokee Nation? A That state?
Q Did you ever live in Texas? A Oh, yes, sir, I have.
Q How long did you live there? A I can't remember exactly how many years we lived in Texas altogether, but it was several years.
Q About how long ago was that? A About seven or eight years.
Q In the past seven or eight years have you resided continuously, or have you made your home continuously in the Cherokee Nation? A Yes, sir.
Q Where were you living say four years ago? A Four years ago, I was up home with my father in Goweesauhoma District.
Q In the Cherokee Nation? A Yes, sir.
Q When were you married to Willie Daniels? A Oh, why I can't tell, she has been dead about ten years.
Q Where did you marry her? A Married her in Fayette County, Texas.
Q Were you living in Texas at that time? A Yes, sir.
Q How long did you stay there after you married her? A Why, I don't know, I staid there several years after I married her. My parents had left there at that time.
Q Was Mary born in Texas? A Yes, sir.
Q Was Louella born in Texas? A Yes, sir.
Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes, sir.
Q Have you ever drawn any money? A Yes, sir.
Q Is your name on the roll of 1880? A 1880, I don't know about 1880.

Q Is your name on any of the tribal rolls? A Oh, yes, sir.
Q Did you draw money for your children when the Kerns-Clifton payment was made? A No, sir.
Q Why not? A Why, I was a dead child from my parents, I didn't know where they was, and they didn't know where I was, you know, I didn't keep posted with them.
Q Now you didn't understand the question; did you draw money for your children? A No, sir.
Q Why not? A They wasn't on the roll.
Q Did you make application to them for enrollment? A I did, but I never got any answer.
Q Did you appear before them personally? A Yes, sir, I did.
Q Did they refuse to enroll these children? A Why, they promised to enroll them, I got a notary public to make out an application for them.
Q But you never received the money? A No, sir.
Q Did you draw the Wallace payment? A No, sir, I didn't, I don't know whether my father did or not.

The Kerns-Clifton pay roll of Cherokee Freedmen examined, and the name of the applicant appears thereon as follows:
Page 182, No. 4482, Tom Daniels, No age, no district given.

Q Were you a resident in the Cherokee Nation at the outbreak of the war between the United States and the Confederacy? Were you living here at that time? A Why, certainly, here's George Butler and Mrs. Bushyhead knows who I belonged to.
Q Were you residing in the Cherokee Nation at the outbreak of the war between the United States and the Confederacy? A I don't know, sir, whether I was or not, I wasn't old enough to remember; my father will have to answer that question.
Q Where were you when you can first remember? A When I first remember, yes, sir, why I was on the road going from here to Mexico.
Q Were you taken to Mexico for any especial reason, were you sold to a man down there? A I think so. That's what I could hear, that they were carrying us off to be sold.
Q You don't know of your own knowledge that you were sold? A No, sir.

The name of the applicant does not appear on the Wallace roll of Cherokee Freedmen.
The census roll of 1896 examined, and neither the applicant nor his children identified thereon.
The authenticated roll of 1898 examined, and the name of the applicant does not appear of record thereon.

Thomas Daniels applies for the enrollment of himself and his two children, Mary Daniels and Lowella Daniels, and his grandaughter, Julia Daniels, a child of his daughter Mary Daniels, as Cherokee Freedmen. The applicant is duly identified on the Kerns-Clifton pay roll of Cherokee Freedmen. Neither of his children are identified on said roll. Neither the applicant nor his children are identified on any other roll in the possession of the Commission at this time. The applicant avers that he is the child of Burrell Daniels and Mary Daniels. The said Burrell Daniels has been listed for enrollment by this Commission as a Cherokee Freedman on Cherokee roll card field No. R. 46, and copies of the testimony had in the matter of the application of the said Burrell Daniels for the enrollment of himself will be filed in this case, and made a part of the record. The applicant and his two children, and his grandaughter, as above enumerated, will be listed for enrollment as Cherokee Freedmen on a doubtful card, and they will be notified at a later date of the final decision of the Commission.
Q Is your grand-child, Julia Daniels, living? A Yes, sir.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 17 day of December, 1904.

Commissioner.

DEC 19 1904
CLERK OF THE COURT
UNITED STATES COURT
INDIAN TERRITORY

I, the undersigned, being duly sworn, as stenographer to the Commission to the Five Civilized Tribes do hereby swear that I made the above and foregoing copy and that the same is true and complete copy of the original transcript.

Subscribed and sworn to before me this 8th day of August, 1902.

N.P.

FILED
AUG 8 1902
DEPARTMENT OF THE INTERIOR
Commissioner of Indian Affairs

To be filed with F-D-1100, Thomas Daniels.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:
Mellette, Smith & Cravens,
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace roll made by J. W. Wallace as shows the enrollment of Andrew Daniels and family as Cherokee Freedmen and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as shows the enrollment of Burrell Daniels and family as Cherokee Freed men and beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19,1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels , taken on the 4th day of October,1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June, 1902.
(SEAL)
(Signed) P. G. Reuter.

CHOR. 394

FILED
JUN 26 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT DIVISION.
MUSKOGEE, I. T., JUNE 8, 1905.

Cherokee Freedman R-40 et al.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee freedmen, consolidating the applications of

Burrell Daniels et al----------C. F R- 40
Andrew Daniels et al.----------C F D-861--R-395.
Lizzie Shaffer et al.----------C F D-916--R-396.
Mary Hill et al.----------C F D-917--R-394.
Lizzie Haynes et al.----------C F D-941--R-393.
Mack Daniels et a.----------C F D-1089-R-392.
Thomas Daniels et al.----------C F D-1100-R-391.
Burrell R. Daniels et al.----------C F D-1101-R-390.

APPEARANCES:
For the applicants, Blue & Bulger.
For the Cherokee Nation: W. W. Hastings and J.S.Davenport.

It appears from the records of the Commission that on January 18, 1904, the Commission rendered its decision in the matter of the above applications denying the applications. That on January 19, 1904, the record in the matter of these applications was forwarded to the Department and the action of the Commission was approved by the Secretary of the Interior on June 24, 1904. It further appears that on May 13, 1905, the decision of the Department affirming the decision of the Commission was remanded and the record and the papers returned with a request that a rehearing be had in the matter. Now on this day pursuant to notice the applicants herein appear both in person and by their attorneys, Blue & Bulger of Vinita, I. T., the Cherokee Nation represented by W. W. Hastings, one of the attorneys ofthe Nation.

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The following testimony was introduced on behalf of the Cherokee Nation.

R. W. LINDSAY, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A R. W. Lindsay.
Q What is your post office? A Choteau, Indian Territory.
By MR. HASTINGS:
Q What is your age? A 73.
Q What is your postoffice? A. Chateau.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q Were you married when the war came up? A. Yes sir.

Q To whom were you married? A Mariah Bryant.
Q Who was her father? A Joel M. Bryant.
Q Was he commonly known as Colonel Bryant? A Yes sir.
Q Did you know the applicant, Burrell Daniels, before or during the war? A I knew him during the war.
Q I mean the applicant here? A Yes sir, I knew him as good as anybody.
Q Where did you first know him? A Well I have seen him the first to know him was at out six miles east of Van Buren inArkansas.
Q When was that? A About October, 1862.
Q In whose family was he at that time? A. Col Bryant, his property at that time.
Q Did he own him at that time? A Yes sir.
Q Did Burrell Daniels have a wife then? A Yes sir.
Q Do you remember what her name was? A Yes sir, Miranda.
Q Did they have some children? A Yes sir.
Q Do you remember how many? A Lets see, I can recollect the names of Lewis, Nancy, and Abe, there were about five to the best of my knowledge, but they have all died except one or two.
Q To whom did Miranda and the members of the Burrell's family belong? A Col. J. M. Bryant.
Q That was in October, 1862? A Yes sir.
Q Where did Col. Bryant's family go during the war? A They went from that place for a little while close to Dansville, Ark. for a few months, and then went south to Red River ten miles east of Doaksville, Choctaw Nation, one year, and then removed from there to a point 17 miles southwest of Doaksville in the Choctaw Nation.
Q Where were they at the close of the war? A They were at this place 17 miles southwest of Doaksville in the Choctaw Nation.
Q Did they subsequently remove to Texas? A Yes sir.
Q Just go ahead and make a statement? A I was in the army and was travelling under the orders from Shreveport to report to General Cooper, commanding the division of the Indian Territory, C. S. A. and when I got to Paris I heard from a party there that Col. Bryant's family had removed across the Red River, and I went there and met them there and Burrell Daniels was there with them.
Q When was that? A In the early part of May, ~~1862~~ 1865.
Q Where did Col. Bryant and where did you go from there? A. I don't recollect the distance but it must be 40 or 50 miles up Red River to Warren where Col. Bryant joined us there.
Q Where did you go from Warren Texas? A We startted from there and went to Chihuahua, Mexico.
Q Was BurrellXX Danils with Col. Bryant's family at Warren, Texas?
A Yes sir.
Q Now tell of the circumstances of Col. Bryant's going to Mexico and of his taking this family with him? A He went to Mexico and this family of Burrell's and another family of negroes, 5 or 6 in number, he taken them along with him, they all went together.
Q Did he force these people to go with him?

Mr. Blue: I don't think that is competent, I think that is a conclusion rather than a statement of facts. I think he ought to state the facts and not undertake to give conclusions.

A No sir, he didn't force them.

Q How tell about it? A As I understand it was entirely amicable, I didn't hear of any objection at all, Burrell and his wife, Miranda were very confidential servants you may say, it was their matters and they went along freely as I expect he ever did anything in his life, as I understand they were to go with them to Mexico.
Q What was Col. Bryant intention of going to Mexico at that time?
A Well it was just after the war and things were so that he had to go some place, as a good many called it to get out of the way of the Yankees.
Q Were these parties compelled to go? A No sir, they stopped at a place I think 210 miles northeast of the Rio Grande, where we stopped and liberated the slaves and rested for several days, and Mr. Bryant made a contract with Burrell and I think maybe his wife, that when they got over into Mexico they were to work and pay the transportation, and I think maybe the amount was fixed, I am not certain about that, and then when we got to the City of Chihuahua, and after awhile we moved down three miles east of Chihuahua, and we had been there a few weeks when Burrell taken up his family and skipped off into the City from the camps where we camped at, and Mr. Bryant come there and found him in the city, and he brought suit against him before the the court there, and he got judgment, I don't recollect the amount of the judgment though.
Q What did he bring suit for? A On account of the contract for services, he brought suit there for the money or for the services he agreed to pay him.
Q For what money? A For transportation under this contract entered into at Fort Stocton. He got the judgment and of course that would compel the services or the money, I don't know what the amount of the money was, but Governor Terasso, Lewis Terasso paid the money and then, under the laws there, of course, Daniels became a subject to him for the amount of money to satisfy that judgment.
Q Then this contaract that was entered into was to pay for the transportation of Burrell Daniels and the members of his family from where they had previously started over into Mexico? A. Yes sir that was it.
Q And you say Bryant got judgment for some amount butv don't know the exact amount? A No sir not the exact amount.
Q Burrell Daniel's has testified the amount is $113.00, do you remember about that? A I don't recollect the amount, I have heard them speak about it.
Q You say that Lewis Terasso paid the judgment? A Yes sir, paid the judgment.
Q And that ended Burrell's connection with the family? A Yes sir
Q Was that in 1865? A Yes sir, that was '65, about September, 1865.
Q About how long did you stay after that? A About two years.
Q You and did Col. Bryant stay there two years after that? A Yes sir we came back together.
Q Did you ever see Burrell Daniels here after that time? A No sir not until 1888, I saw him in Tahlequah, I saw his oldest son frequently.
Q When did you say you saw him here? A. In 1888.
Q You don(t know just exactly when that was, when he returned?
A. No sir.

BY MR. BLUE:
Q You say you were a son-in-law of Col. Joel Bryant? A Yes sir

Q Was Bryant a Colonel in the Confederate Army? A. Yes sir.
Q Was he in command of a confederate force in 1865? A. Up until about may in 1865 I think everything went to pieces about that time.
Q Was he ordered to turn in? A I wasn't with him, I did what I was ordered to do and I met his family and mine and we went up above, I don't know anything about that. The equipage he had was perhaps his own, men those times furnished according to his own skillet.
Q Were you with Bryant in 1865? A No sir just met him at Warren, Texas.
Q In what year? A '65
Q And who was with him at that time? A When I first met him there were two young men, one by the name of Lem Smith and Joe Bennett.
Q I mean what companies he had? A No companies, those two men were the only ones. Afterwards two other parties came in that belonged to his commands. These were all he had, no one but those two when he came down from Washita of his command, didn't have any command then, they had disbanded.
Q What was Bryant doing down in that part of the country at that time? A He came from Washita to meet his family and fixed up to go to Mexico.
Q What was his object in going to Mexico? A. I said to get away from the Yankees.
Q Was it customary for the Yankees to make it unsafe for the confederates? A I don't know, we didn't know at that time.
Q You were going away from the Yankees and there wasn't any there? A That is my idea, I couldn't tell any other idea.
Q Thenyou went from there to the City of Chihuahua? A. Yes sir.
Q And was this Burrell Daniels and his family the only colored people with you? A. No sir, there was another family about 5 or 6 I think.
Q Were they trying to get away from the Yankees too? A I couldnt tell what their motives were. They were old family slaves except two.
Q They were slaves of Joel Bryant then? A Yes sir, and you dont know or anybody else how close old slaves would be to us during those days.
Q You say Burrell Daniels was with Joel Bryant in 1862 in Arkansas? A Yes sir, that was when I first met them, in August, 1862, I think Joel Bryant bought him from Thompson out here just a little ways east of here, I only heard of them speaking of the transaction.
Q You don't know it? A No sir, only heard it but I know they were up that way.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir.
Q Do you know from whom Johnson had bought Burrells? A From Robert Daniels.
Q What part of the Territory did Johnson live in in 1862? A Johnson lived on his place, it was about ten miles little southeast of where Vinita is now, and Robert Daniels lived on the Texas road just north of him.
Q Where did Johnson Thompson go then? A He had gone to the Choctaw Nation; I could see him around and I think he was a Commissary perhaps in the first Cherokee regiment. I frequently saw him on the trail sometimes we had a good night sleeps and sometimes we would be running.

Q Was that first Cherokee Regiment a Confederate force? A Yes sir that was the one, there was a first Cherokee regiment and there was a second Cherokee regiment.
Q What was the number of Col. Bryant's regiment? A I don't recollect, I wasn't with his regiment, I was with a different command all together, that has been a long time ago and I have forgotten it.
Q Did Johnson Thompson at this time have any other slaves except Burrell Daniels? A Yes sir considerable.
Q Did he move these with him? A I don't know they were with the family, his family went to Red River, I expect they went there in 1862.
Q About the same time that Daniels went at the Choctaw Nation? A About the same time he moved down he was moving when they made the deal out here at a little spring close to Frozen Lake.
Q Do you know why they went to the Choctaw Nation? X Yes sir.
Q Why? A The Yankees were in it again.
Q Do you know that Burrell Daniels was sold by Johnson Thompson to Col. Bryant? A Well I knew just only from hereasy, the old man Bryant said he had bought him from Thompson, and I think Thompson had brough him from Daniels.
Q Was it not customary in these times for a slave owner to put his slaves with some army officer for protection? A Not then, no sir, not until things--- we held the ground, it was all our way than.
Q What time of the year was that? A That was during the summer of 1862. I said it was about August when they made this trade.
Q In the latter part of August you made this trade, didn't the northern forces come down here and wasn't John Ross and family north with them? A They had previously to that time, but they got away rapidly, we were master of all we surveyed then, but I say we didn't hold it long.
Q If you were monarch of all your surveys here why did you go sou south? A We took a good stand, and made a good run.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Are you enrolled as such? A Yes sir.
Q How long have you lived in the Cherokee Nation? A You count from the 2nd day of November 1839 up to this day.
Q From what place did you come to the Cherokee Nation? A From Kansas City, Missouri.
Q Are you a Cherokee by blood? A No sir, by marriage
Q Then you were here or hereabouts all the time of the war until in 1863 when you started to old Mexico? A Yes sir.
Q And you were with General Cooper, if I understand you? A Yes sir.
Q What regiment? A Second Cherokee regiment two years, and I was with the artillery the last of the war.
Q When Col. Bryant started from this place was it his intention of going to old Mexico? A Yes sir that was it.
Q How many people were they with Col. Bryant at the time he started to Mexico? A Besides his own family, I don't think there was over, at that time, ten more men. There were several more than members of his family, I would say a dozen at the outside.
Q Did he have some young boys? A He had only one son.
Q Was there any others? A One boy started with him and then way down about Waco another boy come in.
Q How did you travel from going from this place in Texas to Mexico? A We travelled in wagons.

Q Some on horse back I suppose? A. Some on horse back, a few.
Q How did you subsist in going through that country? A We had beef cattle, some milk cows they had that the family was using I think and traded for.
Q About what sized herd? A Not very large bathI would say 30 or 40 head perhaps, it wasn't a big herd, small
Q And you took them along to subsist on? A Yes sir.
Q Was that stock of the family or was it property of a party for all? A No sir they were Bryant's property, he footed the bill.
Q While in travelling from Warfon, Texas, did you go by an old travelled route or otherwise? A We travelled the usual travelled route.
Q Did you find any Yankees in the way out there? A Not a single Yankee.
Q From Waco did you take the usually travelled route? A Yes sir, until we get to San Babéa, and then it was the other route, we went to Belton, and we passed Yeupusa and Sansaba, and then we took a little by way to Fort Stocton.
Q After you heard that the Yankees were in that vicinity you didn't travel the route usually used? A No sir the Yankees were not in that vicinity, they were down to Houston.
Q New this old Fort Stockton, how near was that from the divide? A It was 210 miles to the best of my recollection.
Q Your recollection is it was 210 miles from Fort Stocton? A Yes sir that is my best recollection.
Q That was the last stopping place so to speak until you got down to Presidio? A It was 122 miles to Presidio.
Q What I wish to know, from the time you left Fort Stockton until you got down in the vicinity of Presidio did you fine any other stopping place? A No sir that was the first stopping place.
Q Was that a settled country? A No settlement at all.
Q Was it an arid place during those days? A Yes sir.
Q You came through to this Cotton Wood Spring and there you stopped for a time? A Yes sir.
Q About how long before you went on? A Perhaps it was six days.
Q Then you crossed into old Mexico? A Yes sir.
Q After you got into old Mexico you remained there how long?
A Two years.
Q New isn't it a fact that Col. Bryant took judgment against other colored people that was with him? A No sir only Burrell and his family.
Q Do you know anything about how Burrell Daniels got out of Mexico? A No sir didn't see him any more after he left the camps there.
Q You spoke of seeing his eldest son? A Yes sir.
Q That was really a peonage son too? A Yes sir.
Q As a matter of fact there was no such thing as slavery there as it was in the United States? A No sir it was a contract you see.
Q Simply sell into bondage until the debt was extinguished? A Yes sir that was of it, if necessary I can briefly XX state it, that if you make a contract with a man he could work it out. You know what peon mean, it means just servitude of labor it w as under a contract for a debt.
Q As I understand it under that contract they were sold into slavery until the debt was extinguished, if it wasn't paid. A No sir, I beg your pardon, you cou d compel him to make that servitude or get the money and pay you.

Q New at the time you got there into Mexico, as you have stated, what government was in power then, the Mexican Government or the Government of Maximillian? A Maximillian.
Q During the time you remained there what government was in power? A Most all the time Maximillian, about the time we left there the Maximillian government was overthrown, just a little while before we left.
Q Was the government changed back to the Mexican control before you left? A Yes sir.
Q Did either you or Col. Bryant while you were there in old Mexico participate in the government in any way? A No sir.
Q You and he were there simply as citizens and trying to live there? A Yes sir.
Q Did Col. Bryant return back to the United States after that? A Yes sir.
Q And you did also? A Yes sir.
Q Have you ever held and official position in the Cherokee Nation? A I have been a member of the National Senate in the Cherokee Nation.
Q Have you held any other official position? A No sir.
Q Have you been a member of the National Senate of the Cherokee Nation more than once? A Only once.
Q When was that? A It was in 1887 and '88.
Q Now I will ask you do you remember when Bushyhead was elected Chief? A The first time was '79 and the second time in '83.
Q Then he was Chief of the first election how long? A 4 years.
Q Reaching from what time? A '79 to '83.
Q How long was he chief the second time? A. 4 years.
Q Do you remember when he was inducted in office in 1883? A It was supposed to be about the first Monday in November, ' 83.
Q Then the term of that office would run 4 years? A Yes sir.
Q Was he chief of the Cherokee Nation any other terms than those two? A No sir, that was all.

BY MR. WASTINOS:
Q You and Col. Bryant then went to Mexico in 1865 with the intention of living there at that time? A Yes sir, that was the intention.
Q And you started from near Warren, Texas? A Yes sir.
Q Was Mr. Baugh, his other son-in-law with you? A Yes sir.
Q That is the other witness out here? A Yes sir.
Q And you say Burrell Daniels and his family went with you voluntarily? A Yes sir.
Q Was he compelled to go by Col. Bryant? A No sir.
Q Another family of slaves went with you at the same time? A Yes sir.
Q Were they compelled to go with you? A No sir, and he proposed to bring them back at the same time. They stayed with him the length of time working for themselves, and when he came back he told them he would bring them back with him.
Q They had a signed contract with him to pay for their transportation did they? A Yes sir.
Q After they got over to Chihuahua Burrell refused to comply with the terms of the contract? A Yes sir, that was about it, he left Mr. Bryant's ~~xxxxxxxxxxx~~ services.
Q Left owing for this transportation? A Yes sir.
Q And as I understand you Mr. Bryant, in the proper courts down there, brought suit for this transportation? A Yes sir.
Q And he got judgment? A Yes sir.
Q And this Governer of Chihuahua, Lewis Terasse, paid off the judgment under Mexican law? A Yes sir.

Q And Col. Bryant had no more to do with it? A No sir.
Q What ever was done by Col. Bryant was done there in accordance with the Mexican law and the action of the courts? A Yes sir.
Q Col. Bryant never sold him into slavery or peonage, only got judgment against him? A That was it, under the law he could have held him until he got it.

BY MR. BLUE:
Q You started from this point in Texas you have stated as I recollect it, that it was in May, 1865, when you started to Mexico, what day in May? A. I couldn't recollect, I think it was in the early part of May, perhaps the middle.
Q Now as a matter of fact when you started these people were slaves of Col. Bryant? A Yes sir, ~~they~~ so considered.
Q Were they slaves when you went into Mexico? A, No sir, he had liberated them at Fort Stockton.
Q What was Burrell Daniels and his family doing during the time they were travelling, going through there? A Burrell was driving one of the teams, and his wife was cooking for Col. Bryant's family.
Q As a matter of fact Burrell and his wife were working for Col. Bryant? A Yes sir.
Q And did work for him up to Fort Stockton? when this contract was made? A Yes sir.
Q Now did Col. Bryant at that time pay Daniels and his wife anything for their services? A I would say not, my impression is that he didn't pay them anything.
Q This proceeding out there in Mexico by Col. Bryant by which this judgment was obtained, was it under the rule of Maximillian? A Yes sir.
Q Did you or Col. Bryant, either one become citizens of Mexico? A No sir.

Q Did Col. Bryant take out any papers there? A No sir.

BY MR. MARTIN:
Q Were you there on July 15, ~~18x~~ 1866? A Yes sir.
Q Was Col Bryant there? A Yes sir, I was there until '67.
Q What time did you leave there in 1867? A In the latter part of July, '67.
Q Did Col. Bryant also leave at that time? A Yes sir, we left together.
Q I believe you stated that Col Bryant didn't force either of these families to start with you from Warren to go to Mexico? A No sir he didn't.
MR. BLUE:
Q You also stated that Burrell Danils and his family were slaves at that time? A Yes sir.
BY THE COMMISSION:
Q Is Col. Bryant dead? A Yes sir.
Q When did he die? A About 1899 or 1900, I couldn't state which
Q Only about 5 years ago? A Yes sir, ~~just about 5 years ago.~~
Q Where did he die? A Up there at Choteau.
Q How far is Stockton from Tahlequah? A It is a long ways.
Q What is your best judgment? A I would say about 800 miles.
Q Up until you reached Port Stocton Burrell Daniels and his family were slaves? A Yes sir.
Q How many of those slaves that were liberated at that time returned to the Cherokee Nation at once, all of the slaves you had with you, did you take them all to Mexico? A About all, yes sir, I don't believe but two of them came back when we did.

Q. Is it a fact that the slaves that you had at Durrett were all with you still at Fort Duncan and they were still with you when you came into Mexico? A. Yes sir.
Q. And they were with you in Mexico? A. Yes sir.
Q. You never went back as at all? A. Not until we made a trip in Mexico.
Q. Do you know how far Durrett, Texas, is from Zahlequah? A. It is a little over from 500 miles.
Q. How far is Fort Duncan from Chihuahua? A. It is about 300 miles.
Q. How far is San Antonio from Zahlequah? A. It is about 600 miles.

WITNESS EXCUSED.

F. M. BAUGH, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q. What is your name? A. F. M. Baugh.
Q. What is your postoffice address at present? A. Muskogee just at present.
Q. How old are you Mr. Baugh? A. I am 68 years old.

BY MR. HASTINGS:
Q. When were you first married? A. In 1854.
Q. To whom were you married? A. To Charlotte Bryant, Bryant's eldest daughter.
Q. Was she the eldest daughter of Col. F. L. Bryant? A. Yes sir.
Q. You are a brother-in-law of Mr. Lindsey who just left the stand? A. Yes sir.
Q. Were you living near Col. Bryant when the war came up? A. Well yes I was, Bryant lived on the east side of the Grand River and I was most of my time---Bryant lived on the west side of Grand River, I should have said, and the most of my time I was over in the hills near Spring Creek running some saw mills.
Q. Do you know Burrell Daniels? A. I used to know a negro by that name, I wouldn't recognize him now.
Q. Did he have a wife named Miranda? A. Yes sir he had a wife, I don't recollect what her name was.
Q. When did you first know these colored people? A. Well my recollection is pretty bad about the dates or anything of that kind.
Q. Was it during the war or before the war? A. It was during the war.
Q. Where did you know them? A. I knew them on Frog before I think first, or Duncan Creek.
Q. Where was that, in what State? A. In Arkansas.
Q. Did they belong to Col. Bryant then? A. They did.
Q. Where did you know them, if you knew them at all just after the war? A. Out on Red River in Fannin County near Denison in Texas.
Q. Where were they when the war closed, were they there when the war closed? A. Was they niggers.
Q. Yes? A. Yes sir.
Q. Where was Col. Bryant's relatives? A. They were on the west side of Red River in what is called Horse Prairie not very far from where Surgeon Falcon used to live in the Choctaw Nation. They went over into Texas then and lived up to Mexico after the war.

Q Did they go to Mexico? A They did.
Q Do you know whether this family of Burrell Daniels and his family went with them or not? A She did.
Q Did he? A Yes sir.
Q Where did they start from the go to Mexico? A They started from out there not far, it is on the east side of Red River.
Q Do you remember the town of Warren, Texas, how far is it from it? A I don't recollect any such town as Warren.
Q Your memory is bad about these names and dates? A Yes sir very bad.
Q You were along with Mr. Lindsey when you started were you not? A Yes sir.
Q Did Burrell Daniels and his family go with Col. Bryant and your family? A Yes sir, they did.
Q State whether or not that he went with him voluntarily or how he went? A Well there was no complication as I know of, if there was any I don't know it, of course there was a crowd of us all went together and I don't know of them compelling any one to go.
Q About what time of the year did you start to go to Mexico? A It must have been the latter part of May or the first of June, I am not certain, I think it must have been in the latter part of May or the first of June that we started to Mexico.
Q Was that in 1865? A '65, yes sir.
Q After you got to Mexico what became of Burrell? A He stayed around there with Bryant's family awhile then Burrell, he skipped out and went to Chihuahua, we lived 6 or 7 miles from Chihuahua and they went up there.
Q Who went up there? A Burrell and his family.
Q How long had they been there with Col. Bryant when Burrell Daniels left and went up to Chihuahua? A Couldn't tell you.
Q Well was it a short time or considerable time? A I suppose it was a month or two, I don't know exactly.
Q What did Col. Bryant do about it? A He sued them, he claimed that he had a contract, I don't know anything about that part of it, they had agreed to pay him for their transportation across the plains and when they runed off, they were to work for this transportation, work for Bryant. When they runed off then he entered suit against them and got judgment and Burrell didn't have any money to pay it and he got Governor Terasse to pay the amount, whatever it was, and agreed to work for Terasse until he paid the debt.
Q You say Burrell got Terasse to pay the debt? A I suppose he did, I don't suppose he would have paid it unless he asked him to do it.
Q Did Col. Bryant have anything more to do with Burrell Daniels after that? A Not that I know of.
Q Were you a witness to that contract that Daniels was to pay him for his transportation? A No sir.
Q You only heard that there was a contract entered into? A Yessir
Q Do you know of Col. Bryant getting judgement against him in the Mexican court? A Well I was not a personal witness to it but that was my understanding.
Q You were there, a member of the family at the time? A I was. living in Chihuahua at the time and Mr. Bryant and his family lived about 4 or 5 miles east of Chihuahua.
Q How long did you remain down there in Mexico? A I stayed there nearly two years, I lived there until in June, 1877.
Q 1867 you mean? A '67, it was June '67.

Q Did you all leave Texas to go to Mexico with the intention of living there at first? A That was our intention, then matters were not settled here and we didn't know how things would go in this country so we went to Mexico, and I always wanted to go to Mexico anyway, so it just suited me.
Q Did you ever see Burrell after Col. Bryant got judgment against him and after he went from under his control? A I couldn't answer that question because I can't recollect what, I may have seen him, but I don't recollect.

BY MR. MEEK:
Q How old are you Mr. Baugh? A 80.
Q How long have you lived in the Cherokee Nation? A 52 years.
Q From what place did you come to the Cherokee Nation? A I came from Texas here.
Q Have you lived here continuously ever since you came, except what time you were in Mexico? A Yes sir, I have been in the Cherokee Nation most of the time and I have been here all of the time except once in awhile I would go down to Texas and stay a month or so.
Q Were you in the Confederate services? A Yes sir.
Q In what Confederate regiment? A In Stand Waitie's regiment.
Q Did you at any time serve in Col. Bryant's regiment? A No sir.
Q Was Col. Bryant a Cherokee? A No sir only had a Cherokee family
Q He was a Cherokee by adoption then? A I suppose you would call it that; I don't think they are adopted any more.
Q He had been recognized as a Cherokee citizen? A Yes sir.
Q And you married his daughter? A Yes sir.
Q His wife was a Cherokee woman? A Yes sir.
Q Have you been recognized as a Cherokee citizen and enrolled as such? A I have been enrolled as a Cherokee citizen.
Q Then you have been treated and regarded as a Cherokee citizen ever since your marriage to Col. Bryant's daughter? A Yes sir.
Q Where did you join Col. Bryant's party that went to Mexico after the war? A Some where out there west of Denham, I think.
Q That was in Texas? A Yes sir.
Q Was it at a town or village or city or some camp? A No just camped out.
Q Now when you joined that party, who if anyone, joined with you? A Well now then here, I will state the case this way; there was Bryant and his family and Bryant had a lot of men along with him, soldiers that was in the war that was going to Mexico with him and we all camped over there on the other side of the river together. I don't know as I joined the company any more than any one else, I just went along with my family.
Q At the time you started, this party of you people for Mexico, about how many of were they of you? A I suppose there was about 80.
Q Well of that 80 people how many of them were exconfederates soldiers? A I don't know, there was I suppose 15 or 20 perhaps that went along that was part of the way out there and they branched off and some of them I think went up toward ElPaso.
Q Where did they branch off from you at? A They branched off at,my recollection is very bad--well now I think it was about Fort Stockton somewhere along there, that some of them left us.
Q About how many of them left there, if you remember? A I don't remember.
Q How did you travel from this place in Texas over to Mexico? A We went in wagons and teams.
Q Any of you on horse back? A There was a good many of those boys that were with the family went along horse back.

Q Were you a slave holder in those days? A No sir my wife had a little negro girl.
Q Was she along? A She was along.
Q. What became of her? A She died in Mexico, I think those Mexicans poisioned her.
Q Was she sold into slavery in Mexico? A No sir.
Q Did she live with you after she got to Mexico? A Yes sir.
Q Did she live with you up until the time of her death? A Yes sir
Q How many slaves did Col. Bryant have with him of his own slaves from the time you started to old Mexico? A I don't remember exactly, how many I couldn't tell you. They took scut there--there was one family that belonged to his mother-- let's see--- there was 3 or 4 of them maybe, I don't recollect exactly how many, I can't remember.
Q Did he have Burrell Daniels and his family along with him?
A Yes sir.
Q Burrell at that time was his slave? A They were when they started from here until the surrender come, there was no slaves after that.
Q What did he do about the matter when he got over to Fort Stockton? A Of course the understanding was that Mexico was a free state, and that this fellow Burrell and his family agreed to pay his transportation to Mexico and he was to work out the money.
Q That is for carrying him over to Mexico? A Yes sir.
Q When he started Burrell was his slave? A If there was any slaves after the surrender.
Q Burrell understood he was his salve at that time? A Yes sir.
Q And he held Burrell and his family in slavery until he got out to Fort Stockton? A I couldn't say.
Q Did he out at Fort Stockton make some kind of a release of them and brought them over there? A I couldn't testify to that, I wasn't present at the time it was done but that was my understanding.
Q At that time he agreed to free them and he was to pay him for carrying them a cross there? A Yes sir.
Q And that contract was he was to work out that bill over in Mexico when they got there? A Yes sir.
Q And after they get there it seems that Burrell went up to Chihuahua and refused to carry that contract out? A Yes sir.
Q And then he proceeded under the Mexican law against Burrell there? A Yes sir.
Q What government was in control of Mexico at that time? A the Liberals.
Q Was it a government of the Mexican people at that time? or Maximillian? A It was the Mexican people.
Q Do you remember what year that was? A That was in '66 I think, I was there in '66 and '67 and I think it was in'66.
Q Do you remember when you and Col. Bryant's party passed into old Mexico? A Very well.
Q What was that date? A I don't remember the date but I recollect the time.
Q You say you started in May or June of 1865 from Texas? A Yes sir.
Q How long were you on the way? A Well we must have been maybe 5 or 6 weeks, I don't know for certain, I can't recollect.
Q Then you probably crossed over into Mexico in July or August of 1865? A Yes sir.
Q Do you remember of stopping at some springs up near the line?
A At Leon Holes.

Q I will ask if when you started from Stocton what place in Mexico fif you intend to go? A Our calculation was to go to the State of Sonora, then we aimed to go to Chihuahua, after that we give out going any further.
Q Do you remember of stopping at some of springs about 20 or 30 miles of the line either Cotton Wood Springs, or some such springs as you stopped? A It was no place, only a hollow between two hills.
Q You camped there didn't you? A We camped there a little while
Q Now as a matter of fact during the time that you were in Mexico up until just before you left there Maximillian was the emperor of Mexico was he not? A Well I don't know that he was, he was not recognized in Chihuahua at all.
Q He had the capital city and was in control of the government?
A Yes he left the capital at Chihuahua ~~xxxxxxxxxx~~ was in control of the Traderas, that was a traitor to the Mexican government.
Q At any rate he was an adherent of Maximillian? A Yes sir.
Q And the city of Mexico and the government was in the hands of Maximillian? A The City of Mexico might have been but Chihuahua where we were was in the hands of the French.
Q How long did you stay there all together? A A little less than two years.
Q When you returned from Mexico, who, if any one, came back with you? A No one came back with me but my family, my wife and children.
Q When you came from Mexico to what place did you return? A I stopped up on Grand River.
Q I mean did you return to the Cherokee Nation? A Yes sir, to Cooweescooweee District.
Q So far as the contract that was made between Col. M Bryant and Burrell Daniels and his family you know nothing only by heresay?
A Nothing at all.
Q When did you first see Burrell Daniels that you remember? A I couldn't remember that.
Q Where did you first see him? A Couldn't remember that.
Q Do you know that Col. Bryant's family was down in the Choctaw Nation during part of the war? A I do.
Q Were they in Arkansas too? A Yes sir, they were at Evansville.
Q Do you know whether they lived in Texas during the war? A Not only when they went there to go through.
Q During the time you were on this trip from Texas to Mexico, what did Burrell Daniels and his family do on the trip. A I think maybe Burrell drove a team.
Q Wasn't he a blacksmith? A If he was, I don't know it.
Q What did his wife do on that trip? A I don't know unless she helped the women cook.
Q As a matter of fact Burrell Daniels and his wife worked for Col. Bryant all the way over there? A I guess they did.
Q You also had a herd of cattle that you subsisted on? A Yes sir we carried some beef cattle along with us.
Q And some cows? A Beef cattle principally.
Q About how many did you have with you? A About 50 or 60.
Q Did you have any oxen with you? A Yes sir, I had an ox team.
Q State if you know why Col. Bryant's family during the war sometimes lived in the Choctaw country? A Just cause they couldn't live up here.
Q Why couldn't they live up here? A Cause they were Southern people.
Q And then they lived down in Arkansas and the Choctaw country to get out of the way of the Yankees during the war time? A That is what they did.

Q You say you don't remember when you first saw Burrell? A Nosir
Q Do you remember anything about his belonging to a man by the name of Daniels at the commencement of the war? A No sir, I knew some Daniels.
Q Did you ever know anything about his belonging to a man by the name of Johnson Thompson? A I knew Johnson Thompson.
Q Then when you first saw him he was with Col. Bryant? A Yes sir
Q Did you during that time see Col. Bryant in the Choctaw Nation at that time? A Bryant was there part of the time.
Q Do you know whether or not he left the Choctaw Nation to go to Texas at the time he started to Mexico? A He left the Choctaw Nation to go to Texas.
Q Did he go from the Choctaw Nation over into Texas before he started to Mexico? A That was my understanding.
Q Were you with him in the Choctaw country? A I was then about 3 or 400 yards of where his family lived.
Q Then you saw him in the Choctaw country before he crossed over into Texas? A Yes sir.
Q About how many slaves did Col. Bryant have in his party when he started to Mexico? A I don't know, I suppose 15 or 20, I couldn't by any ways correct, I never paid any attention to it.
Q There was something like 15 or 20 then? A I think so.
Q Now outside of Burrell Daniels family what family of the rest of these slaves did you know? A Some of them went to Mexico.
Q Are you sure about that? A I don't know?
Q As a matter of fact didn't your party including those slaves after they got down there to the line, didn't you all first cross over into old Mexico, slaves and all? A They alâ went with us.
Q Now you say the slave girl that belonged to your wife died in old Mexico? A Yes sir.
Q Now outside of Burrell Daniles family what became of the rest that were carried into old Mexico? A Some of them came back and some of them stayed.
Q Did you ever see any of those that came back? A I have.
Q Who were they? A One was a negro woman named Bettie that belonged to Mrs. Buffington.
Q What was the name of the other? A That came back, I don't know of any others. Lets see, I believe Bettie is the only one that I recollect of seeing to come back.
Q Where is she now if you know? A Up here about Choteau.
Q Is she still living A She was a year or two ago.
Q Do you know about how far is it from Chihuahua to Tahlequah?
A No sir, I couldn't tell you.
Q About how far was it from Chihuahua to San Antonio? A I think it is about 7 or 800 miles, Maybe 900, let me see, it is from Chichuahua to Fort Davis is about 200 miles, and from Fort Davis to San Antonio I Think is 500 miles. Well, it is about 7 or 800 miles from Chihuahua to San Antonio.
Q Now can you give me an estimate of the distance from San Antonio to Tahlequah? A I would have to get a railroad map and figure it up.
Q When you reached Fort Stocton with this party about how far were you from the Cherokee Nation? A I would have to have a pencil and map to tell that.
Q About how many miles do you think it was? A That is too hard for me.
Q Now when you travelled over that country from this point in Texas from which you started to Mexico by the route you took, was it a settled country or wild and desolate? A It was settled until after you left the Colorado River, out west

here at the head of the Concho River there was no settlement there until you reached the Rio Grande. It is considered 90 miles from the head of Concho River to the Pecos, that distance is a desert, no water.
Q Then you had to carry water over there? A Yes sir.
Q Then that coutry was a wild and part of it an arid country where you crossed over? A Yes sir.
Q How did you subsist while you travelled over there? A We subsisted on meat and bread and water.
Q Did you carry the bread with you? A Of course we carried flour and we had beef and salt.
Q I understant that you say that just prior to Mr. Bryant's starting to Mexico you and he lived near each other in the Choctaw country? A Yes sir, my family and me and Bryant's family we lived close together a awhile.
Q How long did you live there before you went over into Texas? and started for old Mexico? A I expect about 12 months maybe.
Q Did all these negroes that he had with him there in the Choctaw Nation did he take with him to Mexico? A I couldn't say.
Q You don' know of any of the negroes that were with him there, that he didn't take, do you? A No sir.

BY MR. HASTINGS:
Q Now how many negroes did he get into Mexico with that you remember, your best judgment, about that? A I expet about 10 or 12.
Q Was there more than one family besides Burrell Daniel's family?
A Yes that is there was some other niggers, I don't know as any of them had any family they were mostly women.
Q Did they belong to Col. Bryant or some other members of the party? A Yes they belonged to Bryant and some, there was one that belonged to Lindsey's wife, and one belonged to Mrs. Buffington, a girl, and one that belonged to my wife.
Q Now I will ask about those slaves that Col. Bryant took over there, did he have any other besides the Burrell Daniels family and one other family? A Lets see, I think there was two other girls, maybe they called one Rainy and another girl,--- I forgot her name.
Q All of Col. Bryant's original slaves did not go to Mexico did they? A No sir, I guess not.
Q And they all didn't start with you to Mexico? A No sir.
Q You were not present when that contract was signed with Burrell Daniels to pay back his transportation to Col. Bryant? A No sir I was not present.
Q But you understand one was signed? A I couldn't recollect knowing about the contract, only it was my understanding that there was a contract of that kind.
Q And he sued him and got judgment upon this contract? Yes sir.
Q Now you were asked about your citizenship and that of Col. Bryant awhile ago and you laughed, why was that, is your citizenship a proposition that is in question, the intermarried whites of this country, there rights is in the Courts isn't it? A Yes sir, I guess so.
Q Well I am asking you, Col. Blue was asking you about whether you weren citizen and whether Col, Bryant was a citizen? A What I was laughing about he asked me if Col. Bryant was an adopted citizen, Well I don't know whether he had ever been adopted or not, he was married in to the Cherokee Nation.
Q He was a white man himself? A Yes sir, he married a Cherokee woman but whether or not he had ever been adopted I didn't know, adopting and marrying into the Cherokee people is a different thing aint it?

Q Do you know from whom Col. Bryant bought Burrell Daniels? A No sir I dont.
Q Now didn't you answer ahile ago that the first time you saw Burr ll Daniels was in Arkansas? A It appears to me that he must have been out on Frog Bayou, he rented a farm down there, maybe in '63 down on Frog Bayou, and he had some niggers on it, whether Burrell was amongst them, I don't know but maybe he was.
Q That is your impression, but you don't know? A My recollection aint very good.
Q How old are you now? A I am 80 years old.
Q Your recollection about these dates is not very good? A No sir
Q What became of the rest of these slaves that Col. Bryant had and subsequently went with him to Mexico, what became of them?
A Well when I left Mexico they were in Chihuahua, that is all I know about them, I don't know, I didn't come back with Bryant's people.
Q Did you come before him or after he did? A I started before he did.

BY THE COMMISSION:
Q How many Cherokee families were in this party that went to Mexico? A I don't know, lets see, in our crowd there was myself, mx was the oldest one, Lindsey and Buffington and Bennett, and Bryant himself.
Q They all had families did they? A Yes sir.
Q This party was then composed of Col. Bryant and his children and their families together with come of their slaves? A Yes sir.

BY MR. HASTINGS:
Q Was Buffington and Bennett son-in-laws of Bryant? A Yes sir.

BY MR. BLUE:
Q Did Col. Bryant have any of the slaves of his mother along with him? A Yes sir.
Q How many were they of them with him when the party went to Mexico? A Three I think.
Q Were those the girls that you were speaking of ahhile ago? A Well there was one nigger man named Abe, he stuttered very bad, you could hardly understand him at all, and then there was a nigger girl Nealie and then the old woman, I dont recollect whether she was living or not.
Q What became of the other slaves of Col. Bryant that you say you and he didn't take to Mexico with him? A I don't know.
Q Had they runed off? A No sir I think not.
Q Where do you think they left them? A I don't know, some of them,--lets see-- I don't recollect.
Q As a matter of fact Mr. Baugh Col.Brynat took all the slaves he had with him when he started to Mexico? A No sir, he didn't.
Q Where di he leave any of them? A Well he left some of them on Red River I think.
Q Beofre he went down into the Choctaw coutry ? A No sir, before he went to Mexico.
Q Had he sold them? A Yes sir I think he sold them to some fellows there for beef cattle.
Q Not the slaves? A These fellows that bought them I think were Yankees and they thought they would be allowed to keep them I reckon.
Q And you mean to say that he took all the slaves except what he sold at that time? Did he? A Yes sir.

Q Had all these sons- in-law of Col. Bryant that were with him there in that party been in the Confederate army? A. Yes sir.
Q About how many more confederate soldiers were there with him before he started to Mexico besides his sons-in-law and sons?
A Well I can't recollect there was some fellows, a little company I think there some men that started out that was but I don't know where they left us.
Q What was his name? A I think it was Captain Steward.
Q Did he have a company of his own? A Yes sir a small company, they all had left him but 10 or 15.
Q Then there was his company of 10 or 15 and Col. Bryant and his sons-in-law that started to Mexico? A Yes sir.

BY MR. HASTINGS:
Q You don't know how far he went with you? A I don't recollect where he left us.
Q Who all got to Mexico with you or do you know? A There was Bryant's family, and his sons-in-law and there was some other fellows that fell in with us, several that fell in along.
Q So you don't remember the names of the parties? A No sir.

BY MR. BLUE:
Q Did any other fellows that fell in take in slaves to Mexico?
A No sir.

W I T N E S S E X C U S E D.

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R.W.LINDSEY, recalled by Cherokee Nation:

BY MR. HASTINGS:
Q Did you witness that written contract that was made between Col. Bryant and Burrell Daniels that was made at Fort Stockton? A Yes sir.
Q And it was made to cover the expenses and transportation of Burrell Daniels and his family? A Yes sir.
Q And you were a witness to it and signed it as a witness? A Yes sir.
Q Of course you don't know what became of that contract? A No sir.

BY MR. BLUE:
Q Did any of these colored people sign that contract themselves?
A No sir they signed it by mark.
Q Who wrote the names? A Lem Smith and Joe Bennett and myself witnessed it.
Q Who was Bennett? A A son-in-law of Col. Bryant.
Q What was Smith doing with the party? A Smith was an old friend that went with us.
Q He was and confederate soldier was he? A Yes sir.

BY MR. HASTINGS:
Q Daniels thoroughly understood the nature of that contract?
A Yes sir.
Q It was explained to him? A Yes sir.

BY MR. BLUE:
Q Who explained it to him? A Col. Bryant.
Q What was the contract? A It was that he was to pay so much money for the transportation of himself and family into Mexico, and that he was to work it out at the contract price, I don't know whatever that was, can't say about that.

BY THE COMMISSION:
Q What was this Fort Stockton, a small village or what was it?
A It was a small kind of a barracks it was, I suppose built to accommodate one or two companies for their protection, it wasn't very old, it was put up there during Buchannan's administration.
Q What was the nearest town to there? A I couldn't say, El Paso was about 200 miles.
Q What kind of a country was there around Fort Stockton? A There was prairie country.

BY MR. HASTINGS:
Q Were there any soldiers there at Fort Stockton? A No sir, and hadn't been for quite a while.

BY MR. BLUE:
Q That was a abandoned fort then? A Yes sir.
Q What was the nearest settlement to that fort at the time you were there? A I said El Paso or Presidio de Norte.
Q About how far was it? A About 200 miles.
Q Was there any houses in between there? A Well it was quite a distance to any of them.
Q This place you spoke of as Presidio de Norte is it near what is El Paso? A No sir, it was way down the river.

J. H. BAUGH RECALLED:

BY MR. BLUE:
Q In answer to a question of Mr. Hastings you said that Burrell Daniels asked this Governor of Chihuahua to pay this judgment, you don't know anything about that do you Mr. Baugh? A All I know about it is that it was my understanding that Governor Terasse paid Col. Bryant for their transportation because Burrell agreed to work the money out and he went to Terrasse's ranch, sheep ranch, and took care of sheep.
Q What I want to get Mr. Baugh you don't know how that happened to be done, you don't know anything about Burrell Daniels requesting it or anything of that kind? A No sir just my understanding.
Q Your understanding as I get it is that the Mexican Governor did pay that and took these people and put them out on the ranch? A No sir, I don't know about them, but I am satisfied that he never did without being asked.

BY MR. HASTINGS:
Q Why are you satisfied? A Well if he ~~didn't~~ hadn't I think I would have found it out.

C H E R O K E E N A T I O N R E S T S.

This case was here continued until 1:15 P. M. this day.

The following testimony was introduced on behalf of the applicants.

BURRELL DANIELS, being first duly sworn, testified as follows:

BY MR. BLUE:

Q What is your name? A Burrell Daniels.

Q Are you the same Burrell Daniels that has testified before in this application? A Yes sir.

Q Did you know Col. Bryant? A Yes sir.

Q Where did you first know him that you remember? A When I lived up there on Grand River.

Q Did you know him before the war began? A Yes sir.

Q Did he ever after the war began get control of you? A After the war began, a long time after it commenced I was put with him with his command, me and a whole drove more.

Q Who put you there? A Our owners put me there to keep us out of the way of the Yankees.

Q Was that all done at once or from time to time? A Done when they had us on a retreat down here when we got out here about Skalleyville, Choctaw Nation.

Q Did you have a family then? A Yes sir.

Q Where were they? A My wife belonged to Johnson Thompson, and Lewis and Abraham, and Tom and Sarah I believe they were my oldest ones, and Nancy.

Q What became of your wife and children when you were put with Col. Bryant? A They were with the white family, with Mr. Bryant family.

Q Do you mean by that that Col. Bryant took charge of you and your family? A He told us all the time we were with him to keep us out of danger.

Q Were your family with him the same as you were? A Yes sir, they stayed with his wife and he taken me out in the army with him, and the rest of them worked around the family.

Q How long were you with him during the war? A I think it was over two years, while the war was going on.

Q Do you remember being with him in Arkansas at any time. A That was when he first put us with him.

Q At what place in Arkansas? A On Frog Bayou below Van Buren.

Q Who had that place in control at that time that you know of?

A I don't know who was the owner of it, it was turned over to him.

Q Turned over to who? A Mr. Bryant, I didn't know who was the owner but he took charge of it and put in a crop there, but I don't recollect whether he gathered the crop or not.

Q Did you work on a farm there? A Yes sir.

Q Did those other colored men work there too? A Yes sir, I worked there but most of the time I was out with him.

Q What did you do with him when out with him? A I cooked and drove a six mule team.

Q After you left Frog Bayou to what place did he take you? A He carried us over to Fort Smith and camped a day or two and then we were taken down the Arkansas River to Dardenell and before the winter was out he carried us in below Doaksville, and then after a while he carried us up above Doaksville.

Q Where were you in down there about Doaksville? A In the Choctaw Nation on the Red River.

Q At what place in the Choctaw Nation did he keep you at the time he had control of you? A We were down there below Doaksville awhile and moved from there above Doaksville on the Red River and stayed there until the war ended, moved the family up there, the colored family and his family.

Q You were then in the Choctaw Nation were you? A Yes sir.
Q About how many colored people did he have there in that neighborhood at that time? A He must have had about 30 or 40, something along there, little and big.
Q Do you know to whom these colored people had belonged before that time? A Some of them had belonged in the Nation here, and some of them belonged to some persons in Missouri, and some of them belonged to somebody on Grand River, and some of them were his own.
Q Do you know whether any of his mother's slaves were along? A Yes sir, his mother was along with him.
Q Col. Bryant's mother? A Yes sir.
Q Did you know a Mr. Baugh, a son-in-law of Mr. Bryant? A Yes sir.
Q Do you remember any other sons-in-law? A Yes sir, Mr. Lindsey, John Buffington and Joe Bennett.
Q If he started to old Mexico from what place did he start? A From up there above ~~[illegible]~~ Deaksville, he never started until the war ended and everybody was going home, he come and told us to get ready we were going to march and he marched us over into Texas, and some of the niggers were talking about running off when he said he was going to take us along, and he said he was going to kill the niggers that runed off, and Joe Bennett told him to kill old Burrell and he wouldn't have any trouble, and he called me up and asked me if I was trying to get them to run away and I told him no, and they took us then and carried us further over into Texas and they was cutting wheat with cradles and we worked there and after this and started out for Austin, Texas, and when we got to Waco and crossed the river and got on the other side of Waco, and camped, his men went back into town and broke into stores and he had to leave there, and then struck out for Austin and was going to Austin met a runner stating the Northern Troops were in Austin and then struck out across the plains.
Q Where did he go to then? A He travelled I reckon about two weeks, get clear out the settlement and camped, picked out some of his best men, Captain Stewart, Lieut. Thomas, Lieut. Gatterson and sent them back to east Texas and they bring out 1500 head of cattle.
Q About what place was it that they went back after the cattle? A I couldn't tell, it was way out on the plains quite a goods ways from any settlement.
Q What did they do with that 1500 head of cattle? A Carried them along with us and a crowd got after us and we were two nights and days without anything to eat or water.
Q You mean to say he and his party and stock travelled how long? A Marched us all night and all day, told us we had to keep kicking there was a crowd after us.
Q What did you do then? A Travelled until he thought we were out of danger and then camped so as to let the stock graze and after a day or so we started on again.
Q Did you continue to travel? A Yes sir, until we got to, I don't know exactly how long we travelled, we travelled until where the United States used to have troops and there he stopped and rested awhile. He stopped there like this evening and the next morning made us all form a line and told us to come up and sign a paper he had made.
~~Q Who do you mean by saying all? A All the colored men.~~
Q Did you form the line? A Yes sir.
Q Then what did he say to you? A Said to sign this paper and the first nigger kicked why he would kill him and let the wolves eat his bones, and when we got to Mexico he was going to put us on a farm and get even with us.

Q What did he do there when he had you in line and told you that?
A Nothing but to sign it.
Q Did you sign your name? A No sir, he signed it and we touched the pen.
Q Was there anybody there with you who saw it? A Yes sir I have a boy there.
Q Do you remember any white men? A Yes sir, his soldiers and all his sons-in-law.
Q How many of his soldiers did he have? A I don't know exactly, had a little squad of them, maybe 35 or 40, maybe more.
Q Were they armed or not? A Yes sir, all had arms.
Q How did you travel across that country? A All of them colored men were driving mule teams.
Q You say his sons-in-law were there when you signed this paper?
A Yes sir.
Q Were they armed or not? A Every one of them were armed, they had the arms on them that were in the war with.
Q Do you remember Lindsey one of the sons-in-law? A Yes sir.
Q Was he there? A Yes sir.
Q Do you remember whether he witnessed the contract or not? A Yes sir they were all there.
Q Now you state to the court whether you went with him to Mexico of your own free will? A I did not, I have got to die before long, and it would not be honorable for me to tell a lie. He made us go.
Q Was that true of all you colored people? A Yes sir.
Q About how many of you men that he made sign that contract that day? A Me, Tom, Joe, Uncle Edwin, I think there was six of us, just the men, no women.
Q At that time about how many colored people did he have with him out there at that fort? A He had a lot of women and children, every one of them had children, about two or three girls.
Q Are you able to state about how many there were of them? A My woman I think had Lewis, and Abraham, and Tom, and Sonny, and I think Sarah, and then there was another woman although that had two children but as he was going through Texas he sold Daisy and her children and the balance he carried on.
Q To whom did Uncle Abe belong? A Mr/ Bryant.
Q To Mr. or Mrs. Bryant? A I guess to Mrs. Bryant.
Q Is that the old lady? A Yes sir.
Q Col. Bryant's mother? A Yes sir but he had them with him all the time.
Q Now these colored people that were with him at this fort all go over into Mexico too? A Yes sir all went over into Mexico when across the Rio Grande travelled on about 160 miles from the Rio Grande camped we there by a Mexican French called Tallioge.
Q How far was that from Chihuahua? A One mile.
Q After you got to Mexico what occurred in regard to you colored people over there? A Every day at two a Mexican would come out in fine carriages and carry off the girls and boys and told him they would pay him so much money apiece for them and he asked him if they were citizens. I got up one night about midnight and went up to the city and hid them.
Q Then what occurred? A I suppose he went before the French general and taken oath of allegiance and had a writ issued from the French and come down and arrested me and marched me and my family down the street and an American merchant there met them and told them he had runed off with us, that we were free when we left here and that threwed it into court.
Q Told them Col. Bryant had runed off with you? A Yes sir.

Q Then what was done? A While they were trying the case stepped in a little man very fine dressed and he came in and asked Mr. Bryant and talked French, Mexican and English and said he wanted to have a word to say to Mr. Bryant and asked him when he started from the States with these niggers and he told him and he asked him how long you were dressing and plaing with these niggers, and he said three months, and asked how come him so long and he said took it slow and asked him what this man was doing here, and he said drive my team, he asked him what kind of a team and he said six mule team, he asked him what did these nigger women do ? and he said waited on my mistress, and he asked him what these little boys did and he said drove my stock; and he said he runed off with these niggers and he sent a runner to Maximillian that he runed off, and the runner come back and Maximillian said let them be and he turned around to the court and asked him if it be that, and he asked Mr. Bryant how much they owed him, and he said $300.00, and he asked him if my niggers ever owed his master, and Mr. Bryant didn't answer, and he turned around to the French officer and told him to sum it up so much a piece for this man, woman and they summed it up and knocked it down to $113.00.

Q They put that in as a counter bill against Bryant's claim? A Yes sir.

Q That reduced ti to $113.00? A Yes sir, and the Mexican Governor got up and said I have no say so, if I had I would have turned them loose when you first came here and he paid the $113.00 and sent us out on the ranch.

Q Was that the man before whom you were tried? A That was the Mexican Governor, he put us out on the ranch and worked us 5 or 6 years, they give me $6.00 per month, my wife didn't get nothing and my little boy sometimes would get $1.50 per month to herd sheep and while I was working there, I was on the road which runed from Chihuahua to El Paso, come a man moving his store from Santa Fee and he asked me what we were doing there, and he said my wife is from New York and I am going in and pay you all out from here, and I will give you a chance to get out of here, and went on in, and a Spanish man mx came to the ranch and said the Mexican Governor said for us to come to the city and asked what he paid for us and he paid $250.00, and we went to work, she nursed for the madam and I cooked.

Q That is this party that paid you out? A Yes sir, he give us $6.00 a month apiece, and we worked this $250.00 out with him.

Q Then what did you do? A When I got through that I worked around my wife was expecting to be confined and after a month until she got straight and I left her there with Mr. Brown, a lumber man and I followed a train of Wagons from the City of Chihuahua to the Rio Grande and the Government had wheat shipped out of Mexico.

Q Q What Government? A The United States Government, grinding it for the forts up and down the Rio Grande.

Q You say the United States Government had wheat shipped out of Mexico? A Yes sir they shipped wheat and had a mill right on the bank of the river.

Q Grinding this wheat for the use of the United States soldiers?
A Yes sir.

Q When you got through there, what did you do? A I went to work there and I cooked for the boys and worked in the mill of nights for about ten months and kept money going back to my family to keep them up and finally come a Mexican train from San Antonio, Texas, went into Chihuahua and he promised to bring my family to me for $15.00, and he brung them to me for $15.00, and they stayed there

with me until another train came along, an American one and an Mexican driver by the name of Mr. Grover, and they went on to the City of Chihuahua and when they returned back I told them that I wanted to go to San Antonio with them if I could. I told them I had a big family but didn't have enough money to pay them and he asked me if I could shoe mules and I told him yes, and we crossed on the train, and every time we stopped and rested I would shoe 5 or 6 mules, and when we got to the City of San Antonio, I went to him and asked him what he would charge me and he looked at me and laughed and said, you have done better to me than the blacksmith ever done, and he said the mules were better shod than they ever was, and he gave me $10.00 and told me to go and rent a house.

Q That was at San Antonio? A Yes sir and after I left the Rio Grande and got to Fort Davis the United States give me rations to Fort Stockton and there they give me rations to Fort Clarke, and there they give me rations to San Antoinio.

Q That was when you were travelling with the train? A Yes sir.

Q What did you get working there at the mill for the government?

A I got $25.00 a month and sent a big part of it back.

Q When you reached San Antonio how much money did you have? A I don't guess I had any.

Q You got $10.00 from that train master? A Yes sir.

Q Outside of that did you have any oth er money of any consequence? A No sir, I don't think I did.

Q What did you do there at San Antonio? A I went to work there I reckon about a year and not being used to the climate and water I took down and was down to near a year and the City Doctor had given me up to die, and I was very sick and the doctor came around from New Orleans and took hold of me and stayed with me until I got up.

Q Now during the time you were down sick did your family do anything? A My wife washed and the boys worked around the hotel.

Q Did they save up any money while you were sick? A When I got up I borrowed the money and paid the doctor bill from a policeman named Sol White loned me $25.00 to pay my doctor bill and as soon as I got able to I went back 25 miles from San Antonio on a ranch and went to work, me and the boys.

Q How did you work there? A Put in grain and cotton on the halfs and the first year I come out a little in debt.

Q Now you tell what this farm contract was that you worked under?

A The rent was half renters and I don't care how much you made everything you ate came through their hands and you had to sell what you raised to them and when you got through they might say you were ahead or you were in debt.

Q When you say hal f rents that means half you raised and when you went to the stores you bought the stuff from them? A Yes sir.

Q Then at the end of the crop season what was the consequence, how did you come out of it? A At the end of the crop season he said I owed him $300.00 and took the crop for it.

Q What did he say about your coming away? A He would not let us come away, we were in debt a little and said we had to stay there and put in another crop and we did stay and we put in another crop and took up and I left anyhow.

Q Where did you go then? A Back to San Antonio.

Q Then what did you do? A Worked around there awhile until I got a little money and there happened to be an excursion starting out and the old lady said she wanted to come back and we taken that excursion train and stayed on it until we got to Wimer, Texas, and they put us off there.

Q Now you said you loaded up and went down to San Antonio, did you have a team there? A No sir, I never had any team.
Q What did you have there? A I hired a man to haul us away.
Q Did you have any money at that time? A No sir didn't make any, didn't get any out of the crop.
Q The owner still claimed you owed him? A Yes sir and after I got to San Antoinio he came in and told me if I would come back and go to work he would give me $30.00.
Q Now then when you got up to Wimer what did you do then? A I went up to place near Holdman Valley and raised cotton.
Q Was that in Texas? A Yes sir Page County, near Wimer I put in a crop there and gave half I made and I come out even and I was going to quit and go to another man named Mr. Wimer and the man that I rented from came out and said here don't you leave here, my brother had made a kick about this half rent, claimed that we were starving the poor people and said out of every four bales you give me one and take three, and give me one and you take two thirds of the grain, and I stayed there and went through that year and I believe me and my son made 15 bails turned in my rent and paid up all our debts and everything and we had money enough to come to Muskogee, and when we went to start, and the l ast day settling up my wife was with me and they come down there and to ld us not to leave, and said you have just got to stay here another year and I will fix it so you can get a little piece of land up on the prairie, and my wife told him no she couldn't do it, and he said you had better not do it for I read in the newspapers that those Cherokees were killing niggers and floating down the river, you had better not go, but we didn't stay.
Q Then what did you do after you come to Muskogee? A I went down here and found mu mother, got here in the fall and the Cherokee council just had adjourned and I worked for a lawyer called Bird Harris, and I went to work for him and fixed fence.
Q Was that in the Cherokee Nation? A Yes sir, out here just the other side of that church and I worked for him and made a crop and moved down to Mrs. Nivens.
Q Was Mrs. Nivens place in the Cherokee Nation? A Yes sir.
Q Then what did you do? A The next fall come after the time we get here I went to the Cherokee council, Gus Ivy and George Butler got up a bill and carried it in and had it signed up and all the half breeds signed it up but the full bloods and they got up and made speeches said that we were carried to Mexico and kept there so many years and said we had a right but they every one signed it up and George Butler got a room where there was nothing but full bloods and George told them he wanted them to sign it up, that this ~~old~~ old darkey had been to Mexico a long timeand they studied so long that he told me to go in he wasn't going to fool with them, we can make up citizens without them damn Indians and Mrs. Bushyhead said you have got plenty of time and told them to go on home and they would see if I got mu citizenship and when Wallace enrollemnt come on Mistress sent for me old Mrs. Daniels, at Vinita, and I was put on the roll up there.
Q On the Wallace Roll? A Yes sir, she sent two colored men up as witnesses for me, and when Kern-Clifton come they sent me a letter to meet the enrollment in Tahlequah, I don't know it was written to me by some of them Cherokees, I went and Mrs. Bushyhead got up and witnessed for me and had them take my name and send it to Washington to the Secretary to act on it. Mr Hastings was there and seen that.

Q Was any of your family besides that? A Every one but Tom and Lewis, didn't get their names right.
Q You mean by that they made a mistake in putting those two on?
A Must have they didn't get them on but get all the balance.
Q Who was the Chief of the Cherokees when you came back that you know? A Mr. Bushyhead.
Q During the time that you were with Col. Bryant on the way to Mexico and after you got there until you got back to the Cherokee Nation where did you intend to go to when you got so you could go?
Mr. Hastings: I object to that as not being a legal proposition

A I always intended to come to the Cherokee until I got here.
Q During all that time where did you consider your home? A Cherokee Nation.
Q Did you ever at any time have any home anywhere else? A Never did.
Q Why didn't you come back to the Cherokee Nation sooner? A I wasn't able to ~~xxxx~~ I had a house full of little children and sometimes I would get to working, worked out and couldn't save enough to come up and just as soon as this railroad got to San Antonio we taken the train then and kept a travelling until we got here by working along.
Q Now was there any time during all that time in your power to get back here any sooner than you did? A It was out of my power I had nothing to come back here with.
Q As soon as you got the money you came back? A Yes sir.
Q Now when you got back into the Cherokee Nation what did you do in the way of fixing a home for yourself and family? A I just worked around in the Creek Nation and in the Cherokee Nation just where I could get good wages.
Q Have you ever had a home anywhere else except in the Cherokee country? A I built a little place down here close to the line in the Creek Nation, went back over into Canadian awhile and lived.
Q How long were you at that place in the Creek Nation? A I don't know, maybe two or three years, sold it for some stock and moved back in the Cherokee Nation.
Q Do you remember what year it was that you had a place over there? A No sir I couldn't tell you exactly I can't read, I couldn't tell you ~~xxxxxxx~~ what year it was; I have been living on Caney River about 9 or 10 years up in the Cherokee Nation.
Q Coming back to this fort to which Col. Bryant took you, do you remember the name of that fort? A Fort Stockton.
Q At the time he compelled you colored men to sign that contract about how far was it from that place to any settlement that you know of? A There was no settlement.
Q According to your best judgment about how many miles were you to any settlement? A I don't know exactly how far it was from Stockton to Davis and after we got to Davis it was 90 miles to the Rio Grande.
Q On the day you were set free did you have any teams or horses any way to get away from there to Waco? A No sir never had any way.
Q Did you have anything of your own to eat if you had started back from there? A No sir nothing at all.
Q During that time did you ever say to him or to any of his people that you wanted to go to Mexico or that you were willing to go to Mexico? A No sir never asked none of us. After he moved from the Choctaw Nation to Texas he called us up and said he heard some of us were talking about running away and he said he would kill us if we did, had a great mind to kill us anyway.

Q At the time you say he told you you had to sign this contract, just tell me what he said at that time? A He said he heard some nigger murmuring back there in the crowd and if he does it again I will kill you and let the wolves eat you right here.
Q What did he say about carrying you into Mexico? A He said I am going to carry you over and put you on a farm until everything gets peaceable here and I will fetch you back to the nation.
Q Do you know anything about where that 1500 head of cattle come from of your own knowledge. A No sir he sent men back and got them.
Q Do you know who brought them back to his camp? A I know the officers, Captain Stewart, Lieut. Gatterson, Lieut. Thomas, Lem Smith and Joe Bennett, Bennett was a son-in-law.
Q Who was this man Smith? A A soldier of Bryant's.
Q Had lived with him before the war? A Yes sir.
Q What became of that 1500 head of cattle? A Took them to Mexico and sold them.
Q Kill any of them on the way to eat? A Yes sir.
Q Did he have any cattle of his own when he started from Texas?
A Yes sir had a few, bunch of cows, in driving through the settlements of Texas these cows, we had a little boy to drive them and he would tell the little boy to get around there and mix them and carry them on.
Q As you drove along? A Yes sir make a little colored boy drive them in and take them along.
Q Do you know anything about what provisions he had with him when he started from Texas? A Yes sir I was driving a six mule team. It was loaded with flour, he killed a beef now and then for his own family.
Q In crossing over the plains there for whom did you work from the time you left Texas to Mexico for yourself or some one else?
Q Drove a team for the Colonel.
Q For whom did your wife work? A Cooked for her mistress.
Q Did he say anything at Fort Stockton or any place about freeing you? A No sir said there was no freedom for niggers, and that the Yankees were going to take them off and put them on the cotton plantation.
Q When did you first learn about the Treaty of 1866? A When I come to the Na tion here.
Q From whom did you learn it? A Mrs. Nivens and Mr. Harris.
Q Had you at any time before that known anything about the Treaty of 1866? A No sir, never did, where I lived I was in Mexico 6 or 7 years, never heard a thing of it.
Q Did you hear anything about it while in San Antoinio? A No sir not until I got back here.

BY MR. HASTINGS:
Q Burrell what year is this? A I can't read, I can't tell you what year it is .
Q You testified before that you came back here during Bushyhead's second administration, didn't you? A I testified that I came back here a year--the council adjourned and the next year I went and he was Chief but I don't know whether he was Chief when I got here the year before that.
Q Didn't you testify when you were on the stand before that it was during Bushyhead's second administration? A I couldn't tell.
Q Did you testify to it? A I don't recollect.
Q George Butler knew when you got back didn't he? A I told him I got back the fall before we got to Tahlequah.

Q Now he testified in your behalf and it is in evidence that you got back in 1884, do you think that is about correct? A I don't know sir.
Q He knew when you got back, didn't he; you told him? A Yes sir he knew when I got back, but I don't know whether he stated it to his counsil or not.
Q But he has testified in your case since this case has been pending before the Commission and he testified that you came back in 1884, do you think that is correct? A I don't know.
Q He testifeid as your witness didn't he, you brought him before the commission? A He went down there before the commissioner.
Q Well before this Pawnee Commission he testified for you in this case hasn't he? A I said he did, I didn't see him.
Q And he testified as your witness then didn't he? A Yes sir.
Q Now if he testified that you came back in 1884 you aren't prepared to dispute that you stand by your own witness? A Yes sir.
Q That is the first time you had ever been back to the Territory after the war? A Yes sir, but I don't know what time it was.
Q Didn't Col. Bryant give you your discharge out at Fort Stockton?
A No sir.
Q Didn't give you any discharge? A No sir didn't give me any discharge, never until he got that money.
Q And that was ever in Mexico? A Yes sir.
Q Was that in 1868? A I don't know when it was.
Q But he did give you a discharge there? A No sir but he sold me to the Mexican Governor.
Q I think you said he got it into court and the Mexican Governor said you owed him $113.00? A The Mexican Governor paid $113.00 to him and put me on the ranch.
Q That was in the Mexican court there? A No sir it was the French Court, the French General took care for us to be turned loose.
Q He testified that you owed him $113.00 for transportation? A Yes sir.
Q That was for you and your wife and your children? A They claimed $500.00 but cut it down.
Q That is what they got wasn't it? A Yes sir.
Q After that Mr. Brynat never had anything more to do with you?
A No sir.
Q How long did you work for that fellow Teraane? A I worked 5 or 6 years.
Q You worked for $6.00 a month did you? A Yes sir.
Q 6X12 would be 72, wouldn't it? A I don't know.
Q It wouldn't take you two years at that rate to work you out?
A No sir you couldn't work it out, every year you worked you owed more.
Q Now you testified that you stayed in Mexico 5 or 6 years? A Yes sir, and I swear to it, there was three children born there.
Q You stayed in Mexico all told 5 or 6 years, is that correct?
A Yes sir.
Q You went there the year the war closed? A Yes sir.
Q Then that made you come to the United States either in 1870 or '71? A No sir it didn't, the man that paid me out, I worked for him at $6.00 for my wife and myself until I paid $240.00.
Q You said you stayed in Mexico for 5 or 6 years? A I stayed on a Mexican ranch 5 or 6 years.
Q Then where did you come to from the Mexican ranch? A I went out and worked for the man that paid me out and carried me into the City.

Q How long did you stay there? A I must have stayed there 15 months.
Q Then where did you go to? A Around town and worked awhile until I got ready to come to the Rio Grande.
Q Then where did you go? A I come to the Rio Grande.
Q Then you stayed as I understand, 5 or 6 years with the Governer of Chihuahua, then about 18 months with different people for whom you worked, then about a month or two before you went to the Rio Grande, that made all told about 18 months? A I left my family and come to the Rio Grande and worked there about 18 months and sent money back to my people.
Q How did you send it back? A I went over across the river to the merchant and he sent it back to them.
Q And from the 5 or 6 years that you stayed with the Governer of Chihuahua, then the other time, 15 months, and then some two or three months added to it, would make it in all ? 1/2 year all told that you stayed in Mexico, wasn't it? A I stayed in Mexico I expect something near 6 years, the first child growed to be that high (indicating) right on the Mexican ranch, and the next one got up to be a good sizelad, and the next boy, he is here now, he was about 6 months old before I left Mexico, the last one.
Q Which one is that? A Burrell.
Q Then how old is he? A I don't know exactly.
Q He is given in to be here in 1901, Burrell's age was given in as 30 years of age, is that about correct? A We just made a guess at the ages.
Q Was that your best judgment under oath at that time? A Yes sir
Q Now then this boy was about 6 months old when you left Mexico?
A I think so.
Q Then if he was born in 1871 you left Mexico about 1872, the latter part of '71 or '72? A I can't say, I don't know, I can't read.
Q You know his age was about 6 months old when you left there?
A Yes sir and when we got here, the first roll was the Wallace Roll and we just guessed at the age, I dorn't know my own age unless I go to Tahlequah.
Q This card here, R-590, gives your boy, Burrell H. Daniels, age as being 30, and this is dated December 17, 1901, do you think that is as near as you know correct? A I don't know, it might be just about it.
Q Have you any children born since Burrell H. was born? A Yes sir, Lizzie and Mack were born.
Q Where was Lizzie born? A She was born at Hill's ranch.
Q Where is that? A The last place I stayed before I come here.
Q Where was Mack born? A In San Antonio.
Q Is he alive? A Yes sir he is here in town?
Q Mack's age was given in 1901 as found upon R Card 592, as being 25 years old; do you think that is about correct then? A Mack is elder than Lizzie.
Q I have not mentioned Lizzie's age, I said ~~xxx~~ Mack was given as 25 years old in 1901, is that correct? A I don't know.
Q But you know you were there in San Antonio when Mack was born?
A Mack was born in San Antonio and Lizzie was born on Mr. Johnsons ranch before I left there.
Q Is Lizzie a year older than Mack? A No sir.
Q Which is the older Lizzie or Mack? A Mack, he was born in San Antonio before we ever went ~~x~~ to Johnson's ranch.
Q How many children did you have born in the state of Texas?
A Three I guess.

Q What are their names? A Lizzie and Mack and Robert.
Q About how old was Robert when you left there to come to the Cherokee Nation? A He was just a little kid, I don't know just exactly, how old, just a little child.
Q About how old was he? A I couldn't tell you to save my life.
Q Was he a baby two years old or three? A Just getting so he could talk, just learning to talk.
Q Do you think he was a year old or two years old. A He x was a year old.
Q Do you know whether he was two years old? A I don't know whether he was two years old or not.
Q According to this card Robert was born in 1881 then that would make you come here about 1883, is that about correct? A I don't know unless I could read, I couldn't tell.
Q Now then according to your statement you stayed in Mexico between 7 and 8 years so you came to Texas in 1872 or '73, now then according to your own statements you lived in Texas from 10 xx to 12 years? A No sir, I don't know.
Q Now if you come there in 1872 which is the best we can get at it from your own statements, where did you live the first year? A I lived the first year in San Antonio.
Q Now what did you do? A Worked around on the streets.
Q What did you get there? A I got enough to keep my family living, we paid house rent, yes sir.
Q How old was your oldest boy then? A I hired them out around the hotels.
Q How old was your oldest one? A I don't know exactly how old he was.
Q How old was your oldest boy when the war came up? A Big enough to drive cattle.
Q Now then 12 years after that they were xx nearly grown then were they? A I hired them out as little boys and get the money.
Q How long did you live at San Antonio? A Lived there x year and went from there to Mr. Johnson.
Q Where did he live from there? A About 25 miles.
Q What did you do out there? A Farm.
Q Did you farm on the shares? A On halfers.
Q How long did you farm for Mr. Johnson? A Two years.
Q Where di you go from there? A Back to San Antonio.
Q What did you do in San Antonio then? A I worked around there until I get money to leave.
Q How long did you stay there? A Around there two or three xxx months.
Q Where did you go from San Antonio then? A The excursion left there and I came to Wimar, Texas.
Q How long did you stay in Wimar, Texas? A Two years.
Q What did you do there? A I farmed.
Q Then where di you go to? A I came to the nation.
Q That don't tally with the number of years? A No wonder I stayed in Mexico so long I couldn't tell how long I stayed in Mexico.
Mr. Blue: I object to this, witness states that he does not know, and it is shown here and he has answered that I expect 20 times that he did not know, I object to this method of examining the witness, and I think it is not necessary to ask an old man 25 or 30 times, it does not seem to me to be lawyer like.
Q When was the first child you had born in Mexico? A Elmira was the first one.
Q She was born in Mexico was she? A Yes sir.

Q What is her name now? A Minira Daniels I guess.
Q Is she living? A No sir she is dead.
Q What is the next one? A Euthie.
Q Did he die there? A Yes sir she died there.
Q What was your next child? Burrell H. was born in the city of Chihuahua.
Q You come to Texas about 6 months after Burrell H. was born?
A I don't know.
Q Aint that what you testified to awhile ago? A I don't remember recollect how old was he.
Q What did you tell me awhile ago? A I told you he was born in Chihuahua.
Q I asked you how old he was when you went to Texas you said he was born in Mexico, now how old was he when you left Mexico and went over into Texas to San Antonio. Didn't you testify awhile ago that when you went over into Texas he was 6 months old? A He may have been and may be been older.
Q Is that your best judgment? A Yes sir.
Q When was your first child born after you got over into Texas?

Mr Blue: I object to that for the reason that that must be about 6 or 8 times since that question was asked.

Q When was the first child born in Texas after you came from Mexico?
Mr. Blue: Th same objection as above.
A Mack was the first child born after I left Mexico.
Q He was born over there in Texas was he? A Yes sir.
Q The attorneys over here---you never did get not admitting you over here did you? A They made a bill and all signed it but the full bloods.
Q You never got any copy of the bill to file here did you? A They said they were going to give me a record.
Q Who said that? A All of them in council.
Q Who did you see there? A All of the men in the Senate where I went and made application.
Q Did they give a copy of the bill admitting you? A No sir they didn't admit me but said they were going to do it.
Q They never voted to admit you did they? A I don't know anything about the voting, they sent me a letter to come over there and put me on the Clifton Roll and you were there and saw that done.
Q Butler testified that you came back here in 1884? A I don't know, I was out deers when he made the talk.
Q You know he never testified to anything except your return?
A I don't know about that.
Q Was this man Lindsey present when you singed that contract?
A He was right there.
Q He heard Col. Bryant threaten to kill you down there did he?
A Yes sir.
Q Did he sign the paper as a witness? A I don't know what he done Bryant taken us and carried the paper in to the tent, I don't know what he did.
Q Did they have a paper over there in the Court in Mexico when the matter was tried. Did they have this paper over there in Mexico when Mr. Bryant had you up there? A Yes sir, had sold 7 niggers.
Q I mean this contract that you signed with him, did he have that over there? A Must have had it, I don't know whether he had it in court or not, he had it.
Q How many cattle do you say they drove across Texas into the Mexican side? A They claimed there was 1800.
Q These men that went along with Col. Bryant were not soldiers but

it was customary for everybody to be ~~g~~ armed? A They were Mr. Bryant's soldiers, never quit him.
Q Did they march along all the time as a company of soldiers?
A Yes sir.
Q Then you don't know what year you left Mexico do you? A No sir.
Q You don't know what year this is? A No sir, I stayed there a long time, hard to sum ~~k~~ it up, I stayed I guess 10 years down there.

BY MR. BLUE:
Q Do you read and write? A No sir.
Q Can you sign your own name? A No sir.
Q Have you ever been able to read or write or sign you own name?
A No sir.
Q Now when this Mexican Governor took you and paid Gen. Bryant $113.00 from that time on did he make any statement to you of how much you had earned or how much his account was? A No sir only told me to come to the ranch and work he would give me $6.00 per month.
Q Did you take your family with you? A Yes sir.
Q Did you ever work out there for him? A Yes sir.
Q Did he ever make any statement to you about how much principal and interest amount to and how much he owed you? A Never did.
Q And when this Jew came along he got $250.00 from him? A Yes sir.
Q Do you know how long you had been with the Governor when the Jew came along? A Something near 6 years.
Q Then you worked you think how long for the Jew merchant? A I think about 15 months until I worked out $250.00 at $16.00 a month.
Q That was for yourself and wife? A Yes sir, got $8.00 a piece.
Q And you think that was about 15 months? A Yes sir.
Q Then you stayed there 3 months more to get something to go away on that would make 18 months? A Yes sir.
Q Then you went over the line and worked there 18 months? A Yes sir I went on a sheep ranch and worked there about a year.
Q Who was that for? A The Mexican Governor.
Q That was in addition to the time before stated you worked for him? A Yes sir he took me off of the ranch and put me on a sheep ranch one year.
Q That would be 6 or 7 years you worked for him? A ~~N~~ I would not be surprized if it wasn't 8 or 9 years.
Q Then you don't know how long you were over there? A I don't know, after staying there so long, I had a little girl by the name of Kimira that died there, she was 6 I think when she died.
Q You spoke about having gone over to Tahlequah to council, Mr. Hastings was asking you about a man that testified for ~~[illegible]~~ you over there, did you meet him at Tahlequah? A No sir I met him at Gibson, he went on and on and said for me to come on and tell them what I knew about it.
Q You came back first to Muskogee then went over in the Cherokee Nation? A Yes sir.
Q When did you see Butler after that time? A I come here and went down where I found mother and stayed one year until next fall, and then I saw Mr. Butler.
Q You had been here then one year or a little more when you went to Tahlequah? A Yes sir.
Q And when you get there you found Mr. Bushyhead was Chief? A Yes sir.
Q Did you tell Butler when you came back? A Yes sir.

Q Then you mean that it had been about a year from the time you landed here or a little more when you saw Butler over there? A Yes sir.

BY THE COMMISSION:
Q When you started to Mexico with Col Bryant at the close of the war how many children did you have? A Lets see, I had Lewis, Abraham, Tom, Nancy, Burrell.
Q You had these children before you started to Mexico? A Yes sir before I started from there back.
Q Now I am talking about the children you had before you went there? A I had Lewis, Abraham, Tom, Nancy and Andy.
Q You had those children before you went to Mexico? A Yes sir.
Q You say you started down to Mexico with Col. Bryant at the close of the war? A Yes sir.
Q How many children did you have when you started down there?
A I had Lewis, Abraham, Tom, Nancy, and Andy.
Q How many of those children are living now? A Lewis is dead and Nancy, and Abe, I don't know where he is.
Q Did you leave Abe in Mexico? A Left him in San Antonio.
Q What children were born in Mexico? A Burrell was born there. the others died and were buried there.
Q Gove me their names? A Elmira, Ruthie, Burrell was the next .
Q After you came back to Texas how many children were born to you?
A Mack and Lizzie and Robert. Mack was twins, his mate died after he was born, then next Lizzie was born and then Robert after her. That was all born in Texas.
Q You haven't had a child born to you in the Cherokee Nation since the close of the war have you? A No sir.
Q Is your wife Miranda living? A No sir she is dead/
Q When did she die? A I August, 1903, I think.
Q Is Robert living? A Yes sir.
Q What about Thomas? A He is here.
Q And Mary, his daughter? A She is here.
Q And Louella, his daughter? A She is here.
Q What about the grand-daughter, is she living? A Yes sir.
Q Is your son Andy Daniels living? A Yes sir.
Q Where? A About a mile above me on Caney River.
Q Is his children all living? A Yes sir.
Q Do you know whether all of these are living or not, Millie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth? A Yes sir, they are all living.
Q Is Lizzie Shafer living, your daughter? A Yes sir.
Q Has she a child called Arlena? A Yes sir.
Q Is that child living? A Yes sir she has got three more now.
Q What about Mack, is he living? A Yes sir.
Q Has he a child called Mady? A Yes sir.
Q Have you a child called Lizzie Haynes? A Yes sir, that is my daughter.
Q Has she two sons, Burrell and Amos living? A Yes sir.
Q What about Mary Hill, she your child? A Yes sir.
Q Has she got two children, Alice and Adam? A Yes sir they are living.
Q What about Burrell H., is he living? A Yes sir.
Q Are all these children and grand-children of yours living in the Cherokee Nation for the last 4 or 5 years? A Yes sir, it has been longer than that, for the last 10 or 15 years.
Q All of them? A Yes sir, all that is living, all the oldest ones.
Q They have always made their home in the Cherokee Nation during the last 10 or 15 years? A Yes sir.

BY MR. HASTINGS:
Q What is Thomas Daniels wife name A Her name is Priscilla.
Q Where did he marry her? A When we come to Fake County, Texas.
Q What is his oldest child's name? A I have forgetten the oldest child's name, it is dead.
Q How long, was it named Mary? A Mary is here.
Q Did he have one elder than Mary? A Yes sir, X I think so.
Q Where did that child die? A I think he said she had one child died, I left him at Fake county.
Q Where was Mary born? A She was born in Fake County.
Q Where was Louella born? A In Fake County, all born in Fake County.
Q Then Tom Daniels and his family came up here 5 or 6 years ago?
A Tom came before they did and stayed a year or so and then went back and got them.
Q Then he didn't bring his family until 5 or 6 years ago? A No sir he didn't.
Q Whose daughter is Julia? A Mary's daughter.
Q Where was she born? A Up on Caney River.
Q Is her mother a State woman? A I think so.
Q They don't claim through their mother, Thomas's wife? A No sir she died before he left Texas.
Q When did Tom first come here himself? A I couldn't exactly tell you, Tom was here before the Creek payment.
Q Before that payment of 1897, the Kerns-Clifton payment? A Yes sir before that.
Q Had his family come then? A No sir left his family.
Q About how long after that payment which was in 1897 before this family come? A He come here 5 or 6 months before the payment.
Q You said he come but not his family?, how long after that before his family come? A It was after the payment sometime.
Q Well how many years afterwards? A I don't know how many years after.
Q Well your best judgment? A I Couldn't tell you to save my life exactly how many years after, it was.
Q Has he been here two years I mean with his family? A Yes sir he was here before the payment.
Q How many years had he been here with his family? A He went back after the payment and got his family.
Q How many years after the payment before he brought his family here? A I don't know, it may have been 3 or 4 months, or 5 or 6 months.
Q Where did Andrew Daniels marry? A He married a year I left Texas.
Q Who did he marry, some colored girl in Texas? A Yes sir.
Q He don't claim for these children there with him? A.I don't know
Q Does Andrew's wife claim citizenship here by virtue of her being a slave of a Cherokee citizen? A She don't claim to be a citizen only by marriage.
Q Where was their oldest son Willie born? A After they got here.
Q Did he and his wife come here when you and your folks come?
A Come with me.

BY THE COMMISSION:
Q Do you know the husband of Lizzie Haynes and the father of the children, he is a state man is he? A Yes sir.
Q Do you know Mary Hill's husband? A Yes sir.
Q Is he a state man? A Yes sir.

Q. Did [illegible] doesn't [illegible] as a [illegible]? A. No sir.
Q. Do you know the [illegible] in Jerusalem? A. I [illegible] know.
Q. Do you know what [illegible] is where? A. Yes sir, [illegible] Texas [illegible].
Q. Do you know [illegible] of [illegible] is a [illegible]?
A. Yes sir, but did [illegible] you put on the [illegible] you put on the [illegible]?
Q. Is [illegible] a [illegible]? A. No.
Q. This [illegible] the [illegible] of [illegible], and the number of the cauldron [illegible] is a [illegible] number? A. Yes sir.

W I T N E S S N U M B E R D.

TOM DANIELS, being duly sworn, testified as follows:

BY MR. RLUE:

Q. What is your name? A. Tom Daniels.
Q. What relation are you to Burrell Daniels, who has just testified? A. He is my father.
Q. Do you know your age? A. No sir, I don't.
Q. Do you know about how old you are? A. I have an idea I am somewhere in the neighborhood of 50.
Q. Do you know Sol. Bryant? A. Yes sir, I did.
Q. If you recollect, where did you first see him? A. When I first opened my eyes to look at the gentleman is when I was on the way to old Mexico. We used to make me sit and fan the flies off of him while he was asleep.
Q. You remember him then do you? A. Yes sir you bet I do.
Q. Do you remember anything about where you started to go to old Mexico? A. We started from some plantation in the Choctaw Nation, I don't remember exactly where it was.
Q. Do you remember anything about being in the Chickasaw Nation about that time? A. No sir I don't recollect about the Chickasaw Nation.
Q. If you remember, about where were you on your way to old Mexico when you first remember Sol. Bryant, if you can fix any particular place, do so? A. I remember of being on the road but I don't place just exactly where it was, we camped were camped you know.
Q. Do you remember how you travelled on that trip to old Mexico?
A. Yes sir we travelled, it was in a train of wagons.
Q. How did you yourself travel? A. I was in a wagon.
Q. Were there any horsemen that accompanied the party? A. I think there was a committee along, they stayed to keep the Indians off of them they said going across the plains to Mexico.
Q. Do you remember much about that? A. No sir I don't remember so much about it.
Q. Do you remember any place in that route by the name of Fort Stockton? A. Yes sir, I remember Fort Stockton, Fort Clarke, and Fort Davis.
Q. Were these places on the route to Mexico that you travelled?
A. Yes sir.
Q. Were you large enough at that time to ride a horse? A. I don't exactly remember whether I was or not, I might have been.
Q. Do you remember being in old Mexico? A. Yes sir I do.
Q. At what place in old Mexico do you first remember? A. Chihuahua.
Q. Do you remember any other place that you lived in Mexico? A. Yes sir, we were at work on a sheep ranch for several years, I was a grown big boy when we left there.

Q About what size boy were you when you left the sheep ranch? A I was a great big boy, about a half grown boy.
Q Do you remember of returning to ~~[illegible]~~ Texas from old Mexico? A Yes sir I do.
Q To what place did you return in Texas when you left old Mexico?
A The first place was San Antonio, Texas.
Q About what size boy were you when you got there? A I ought to have been a good size child.
Q Do you remember about that? A Yes sir.
Q What did you do after you came to San Antonio? A I worked around my father would keep me hired out first one place then another, working for a salary until he left there, didn't stay there very long.
Q Do you remember whether or not you left there with him? A Yes sir I did.
Q To what place did you go with him? A Out west of San Antonio to some man's ranch they called Johnson.
Q How long did you remain there? A About two or three years, somewhere along there.
Q Did you live there with him? A Yes sir, I did.
Q To what place did you go then? A We went back to San Antonio after that.
Q How long did you remain at San Antonio after that? A I ~~[illegible]~~ stay there no time, I went south.
Q To what place? A I was down there way below Wimer, down to a place they called,-- I forget now the name of the place.
Q Where did you leave the old gentleman when you separated from him? A In San Antonio.
Q After you left him there how long was it before you saw him again? A I don't know but I was working for a man named Hill when he moved up there.
Q Where did you next see your father after you separated from him at San Antonio? A I come to see him once before he left there to come to the nation.
Q Do you remember where you saw him at the last time before he came to the Nation? A Yes sir.
Q Where was he? A On the Hill farm.
Q Where was that? A In Texas.
Q Near what town? A Wimer, Texas.
Q Did you remain there with him? A No sir I didn't I went off.
Q After you saw him at that ranch there in the neighborhood of Wimer, Texas, where did you next see him? A I saw him here.
Q At what place? A Up here on Caney River.
Q In what Nation? A ~~[illegible]~~ Cooweescoowee District, Cherokee Nation.
Q When was that? A That has been several years ago.
Q Had you moved up here then? A Yes sir I had moved, I didn't know where they were until--
Q Where were you living at that time? A Way below Wimer on a placed they called Navidad.
Q Did you bring your family up here with you when you came that time? A I brought two children along.
Q Did you leave them here or not? A They are here.
Q With whom did you leave them here in the Cherokee Nation? A I left them with my father.
Q What did you do after you came up here and left these children?
A I helped the old man farm and worked around first one place then another.
Q Did you go back to Wimer again? A Yes sir, after I brought my children up here see.
Q Were you up here before you brought any children up here, yourself? A Yes sir.

Q How long before you brought these two children up? A I was up here a month or so, I guess it was longer than that.
Q Were you up here at the time of any payment? A Yes sir, I was.
Q What payment was that? A It was the payment that was paid off up here at Lightening Creek.
Q Were you here before that time? A Yes sir.
Q How long? A Three or four months I expect.
Q How soon after that payment was it you turned back to the neighborhood of Weimer, Texas? A I went right away as quick as I could get a little money together and went down there to get my children, when I first come up here I come to see where my people were, I was considered lost from them.
Q Having found them here, you say you returned to the neighborhood of Weimer, Texas, then what did you do? A I didn't do anything but go right down there and get those children and come right back.
Q Were those all the children you had? A Yes sir.
Q Was your wife living at that time? A Xxxxxxxxx sir she wasdead
Q Was she a State woman or freedman? A State woman.
Q Have you since that time married again? A No sir.
Q What are your children's names? A One is named Louella, and one named Mary.
Q About what time did you come back to the Cherokee Nation with these children? A Kinder long up in the year I guess.
Q You mean in about the same tim in the year you were up to see your father at the time of the payment? A Yes sir.
Q Where have you resided since you brought these children up to the Cherokee Nation? A At my father's and down here at a fellow--
Q Have you resided in the Cherokee Nation since you brought those children up here? A Yes sir.

Commission: The Lightening Creek Payment referred to by the witness is the Kern-Clifton pay roll.

Q What is your recollection about the date of that payment, do you remember what year it was in? A I think it was between 7 and 8 years ago.
Q During the time you resided in Texas after your return to Mexico did you become a citizen of Texas? A In what way?.
Q Did you keep a home in Texas to which you intended to reside?
A No sir, it was my father's talk after he got away from Mexico he would lay down and talk about going to come home and get up a talking about wanting to come home.
Q Where did you intend to return to? A I calimed my home right where I heard my parents talking about, and that was in the Cherokee Nation.
Q What purpose did you have in coming up here the time you first came? A I come to see where my people were, they left me and I didn't have any trace of any of them to know where they were, and I just got on the track of them travelling, there was a boy stayed down here at Chouetah named William Johnson he got acquainted with my father, when he stayed down here, and he was the one that told me where my people were you know, and if he hadn't told me I don't know as I would have known yet where they were.
Q Were you ever at any time naturalized and made a citizen of Texas or any other state? A No sir.
Q During the time in Mexico, did you become a citizen ever there?
A No sir.
Q About how old were you when you left Mexico? A I guess I was about 12 or 13 years old, maybe 14.
Q Have you any judgment as to what your age was at that time? A No sir.

Q How old do you think you are now? A I think I am pretty close to 50 if I aint already 50, our father don't know much about our age cause he never kept no record of nothing.

BY MR. HASTINGS:
Q Your best judgment is that you were 12 or 13 years old when you left Mexico and went to Texas after the war? A Yes sir.
Q And you think you are about 50 now? A Right at 50.
Q Where were you married Tom? A I was married down in Texas.
Q At what town? A I was married near La Grange, Texas.
Q Were you living on a farm or in town? A On a farm.
Q Were you living with your parents then? A No sir.
Q About how old were you when you were married? A I don't know I ought to have been very near grown when I married.
Q What was your oldest child's name, didn't you have one to die?
A Its name was Alock.
Q Where was he born? A In Texas.
Q Near what place? A Near Weimer, Texas.
Q About 8 or 9 miles of Weimer? A Yes sir.
Q What were you doing out there? A Farming.
Q For whom? A I don't know the man's name.
Q Where was Mary born? A She was born in about 8 or 10 miles of Weimer.
Q Where was Louella born? A Not very far from the same place.
Q What was the first President you ever voted for, Grant? A If I voted at all I guess I voted for Grant.
Q What Congressman did you vote for down there? A I don't know sir.
Q What Governor did you vote for? A I guess I voted for the Governor of Texas if I voted for any.
Q Did you vote in a town? A No sir out in the country.
Q You voted in the country precinct then did you? A Yes sir.
Q Good many colored people in your vicinity? A Yes sir.
Q Did they have a colored precinct? A Yes sir.
Q And you went to this to vote? A I don't exactly know the meaning of precinct.
Q The place to cast your vote, you went to vote did you? A Yes sir.
Q How long did you vote down there until you came here in 1897?
A Yes sir.
Q You never voted in town because you didn't live in any of them?
A No sir never lived there.
Q Lived in the country all the time? A Yes sir.
Q Never did refuse you any right to vote just like anybody else?
A No sir they claimed that after a man was of age and in the country a certain limit of time he was allowed to vote.
Q Your vote never was challenged then? A No sir.
Q The first time you ever came here was during that payment in 1897? A Yes sir.
Q You never had been here before only when you were a baby? A I hadn't been here since I was carried off by Joel Bryant.
Q That was during the Lightening Creek payment in 1897? A I was here before the payment.
Q How long before the payment? A 5 or 6 months before the payment.
Q Were Kern-Clifton making a roll when you came? A That is what I heard.
Q Did you go before the Commission and ask to be enrolled? A No sir.
Q Did it close before you came? A Yes sir.

Q Did you come before the payment? A Yes sir.
Q Did you go before or after that payment? A I come before the payment.
Q I am trying to find out how long before the payment, the payment made out there at Lightening Creek? A About 5 or 6 months before the payment.
Q Where was your wife? A She was dead.
Q Where did she die? A X She had been dead several years.
Q Where were your children after your wife's death? A I kept them with me.
Q You never remarried? A Yes sir.
Q Did you marry the second time in Texas? A Yes sir.
Q Your wife and these children were still in Texas when you come up here just before the payment? A Yes sir.
Q And you never brought her or these children up here until after the payment? A No sir.

BY MR. BLUE:
Q About how long were you in old Mexico all together? A To my best recollection it seems to me that we ought to have been in old Mexico about 8 or 10 years I think.
Q If you were there 8 or 10 years how old were you when you went into old Mexico? A I guess two or three years old.
Q How old? A 3 or 4 or 5 years old.
Q You were big enough to keep the flies off of the old Colonel when you were going down there? A Yes sir.
Q What is your best judgment as to how old you were when you got into Mexico? A I think I was between 5 and 6 years old.
Q You say you did vote sometimes in Texas? A Yes sir.
Q About how many years had you been in Texas before you voted, do you remember? A I was in Texas several years before I voted.
Q Do you remember the month in which you returned with your wife and children? A No sir, I don't.
Q Do you remember what season of the year it was when you came back with them? A Yes sir, it was along in the spring of the year.
Q In crop time? A Yes sir.
QQ Did you make a crop that year in the Cherokee country after you come up? A No sir I didn't make any crop, I helped the old man to make a crop at home, my best remembrance I think it must have been along this time when I come back.
Q Along the latter part of May or first of June? A Yes sir.

BY THE COMMISSION:
Q How many years before you came up to the Cherokee Nation in 1897 did you see your father? A About 15 years to my best judgment.
Q And where was your father living at the time you saw him? A In Cooweescoowee District up here in the Cherokee Nation.
Q I am talking about down in Texas the last time you saw him?
A On the Hill farm.
Q Was that near Weimer or near San Antonio? A Near Weimer.
Q At that time you had a home of your own, you were married at that time? A Yes sir.
Q You were not living with your father? A No sir.
Q How far from his home were you living at that time? A About 15 or 20 miles.

W I T N E S S EXCUSED.

ANDY DANIELS, being first duly sworn testified as follows:

BY MR. WILDER:
Q What is your name? A Andy Daniels.
Q Are you some relation to Burrell Daniels? A I am his son.
Q Where were you born Andy? A I was born somewhere about Denkville.
Q Where is that? A Somewhere on Red River in the Choctaw Nation.
Q How old are you now about? A I think I am about 41.
Q Where were you when you can first recollect? A I was in Mexico.
Q What part of Mexico? A I couldn't tell you, I have heard.
Q In a town were you? A Yes sir.
Q How long did you stay in that town until you left it? A I was quite small but that time I couldn't really give; I guess it was somewhere along about 5 or 6 years.
Q Where did you go from that town? A To San Antonio.
Q Do you recollect distinctly of arriving in San Anteinio? A Yes sir.
Q About what age were you then, how large a boy? A I was getting to be a pretty good size boy I guess.
Q About how old, give your best judgment? A About 10 years old.
Q What did you do, or did you do anything in San Antonio in the way of work? A I commenced working around there in a hotel a little
Q What did you do in the hotel? A Wash dishes.
Q How long did you wash dishes in a hotel in San Antonio? A I don't know, not very long.
Q Were you living with your father and mother at that time? A Yes sir, they hired me out.
Q When did you leave San Antonio, and how long after you had been there did you leave the place? A To my best judgment I think we had been there about a year.
Q Where did you go? A Went out west.
Q How far west? A I don't know, 25 miles.
Q Did your family move out with you? A My mother and father went out there.
Q What did you do out there, your mother and father and you? A My father rented a farm there from a Mr. Johnson.
Q How long did you farm for Mr. Johnson? A We made two crops for him.
Q Where did you go from Johnson's? A We come back to San Antonio.
Q Then how long did you stay in San Antonio? A I don't think we stayed there much over a year, I think we left there a long in the fall.
Q Where did you start for? A I couldn't hardly tell you, I was pretty young then.
Q Did you go away with the family from San Antonio? A No sir.
Q Where did you go? A I got around there among the boys and stopped there.
Q Did the family leave you? A Yes sir.
Q And when did you next see the family? A It must have been about a year before I saw them.
Q Where did you see them at that time? A There on Hill's place.
Q Where is that place? A On Colerado River close to Weimer, Texas.
Q Did you go down to your parents? A Yes sir.
Q How long did you remain there? A I think I made a crop there, rented a little ~~phmm~~ piece of ground and he furnished me a yoke of cattle and I worked for myself and gather it and I left them there that fall.

Q About how old were you at this time? A I don't know.
Q Were you a grown man? A I don't know.
Q What is your best judgment of your age at that time? A About 19 years old.
Q Did you go some place from that Hill farm? A Yes sir, came up here.
Q Do you remember what year you came here in? A No sir.
Q What nation did you come to? A We came to the Cherokee Nation, landed here in Muskogee and there was a fellow that used to live here by the name of Tom Windy, and we had enough money to pay him to haul us down to Nivens Valley, my grandmother lived down there.
Q Have you lived in the Cherokee Nation continuously since your return? A Yes sir.
Q When you were in Texas did you ever hear your father and mother speak about coming back to the Cherokee Nation? A Yes sir, I have heard them talking lots of time.
Q What would they say? A I have heard the old lady talking about Grand Prairie and naming different places here in the Cherokee Nation, how they used to travel and how bad they wanted to come back.
Q Have you any recollection about the date when you arrived in the Cherokee Nation? A No sir.

BY MR. HASTINGS:
Q You don't know what year you come here in? A No sir I don't.
Q You don't know what year this is? A Well I guess I do.
Q Well tell it? A Looking at the almanac I suppose it would be about 1905.
Q Do you know how old you were when you came here? A No sir.
Q Were you about 21? A No sir, I was somewhere along about 19 when I come here.
Q Do you know? A No sir don't know that hardly.
Q Well did Tom come then? A No sir.
Q When did Tom first come? A He came sometime since then.
Q About what year did he come? A He has been in here 4 or 5 years I guess, as well as I can remember.
Q Do you know about how old young Burrell H. Daniels is? A I don't know sir.
Q What is your best judgment? A I couldn't tell you cause I dont remember when he was born.
Q Do you know where he was born? A He was born in Mexico.
Q Do you know how old he was when you left Mexico, and came over to Texas? A I don't know.
Q Was he a baby? A Yes sir, a pretty good size baby, about 6 or 7 years old I guess, or a little over.
Q When you left Mexico and come to Texas? A When we left Mexico and come to San Antonio.
Q Burrell was 6 or 7 years old? A I guess he was, I don't know when he was born.
Q If your father states he was 6 months old, he is mistaken? A I don't know, I was just guessing at it.
Q Where was Lizzie born? A She was born out here at Johnson's.
Q In Texas? A Yes sir, out west of San Antonio.
Q Where was Mack born? A In San Antonio.
Q Where was Lizzie Haynes born? A I think she was born out at Johnston's too.
Q Where was Mary Hill born? A In San Antonio.
Q How old do you say that Lizzie Shafer is? A I don't know sir how old she is.
Q Got no idea at all? A No sir.

Q Do you know how old Lizzie Haynes is? A No sir, I don't.
Q Got no idea, none at all? A No sir.
Q But you know that Mack and Mary and Lizzie Haynes and Lizzie Shafer, those four were born in Texas weren't they? A Yes sir.
Q Did any children die who were born in Texas to your father and mother? A There was my oldest sister died there in San Antonio.
Q Any that was born in Texas, was she born in Texas? A No sir she was born in the Nation.
Q Before the war? A I don't know when it was.
Q You were born in the Cherokee Nation but you never was in the Cherokee Nation until you were 19 or 20 years old? A Well I suppose that was my age.
Q You never was here before that? A No sir.

BY THE COMMISSION:
Q Did you go with your father to the Cherokee Nation? A Yes sir
Q Who was in that party? A Mary, Mack and Robert, they all came up withhim excepting Tom.
Q Tom and his family? A Yes sir.
Q Did your mother come? A Yes sir.
Q What was your wife's name? A Dora Daniels.
Q Is she a state woman? A Yes sir.
Q You married her in Texas did you? A Yes sir.
Q Did your wife, Dora, come with you and the children? A Yes sir.
Q How many children come with you to the Cherokee Nation? A None
Q All born in the Cherokee Nation? A Yes sir.
Q How long were you married before you come to the Cherokee Nation?
A Just as soon as we got the crop gathered.
Q Are these children all living? All living.
Q Your wife doesn't claim any rights as a Cherokee freedman, does she? No sir.
Q Whatever rights they claim, they claim through you? Yes sir.

BY MR. BULGER:
Q Why did you and your father and his family come to the Cherokee Nation when you did come? A We made a kinder of a come out that year with a little money so we could travel.
Q Why had you not come before that time? A Never had been able to, never had had enough to travel any distance, all we could do was to live.
Q How did you happen to come out with more money that year? A I think they made different arrangements in raising the crop and had pretty good luck that year with the crops.

BY THE COMMISSION:
Q Did you always stay with your parents up until the time you were married? A All excepting that year I stopped off in San Antonio.
Q Were you living with your father when you married? A Yes sir
Q You and your wife stayed on that same farm with your father?
A Not exactly on that farm, but on the same man's farm.

WITNESS EXCUSED.

JOHN CROSS, being duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A John Cross.

Q Where do you live? A 8 miles east of Fort Gibson.
Q How old are you? A I suppose I must be about 50 years old.
Q What is your business or occupation? A Farming.
Q How long have you been farming? A I have been farming all my days.
Q In what country and states have you farmed? A I farmed in Texas the first of my farming was done in Texas.
Q How long did you farm in Texas? A I really don't know just exactly how long I couldn't just get at it, just how long, but it was quite awhile.
Q Did you own a farm in Texas of your own? A No sir.
Q How did you farm? A I worked on the halfers.
Q What do you mean by working on the halfers? A I mean they furnished everything and give me half of the crop, and I would get rations from a commissary, and they get their pay for it out of my part of the crop.
Q To whom did the commissary belong? A To the boss of the place.
Q Did you farm in the same neighborhood in Texas where Burrell Daniels did? A No sir.

WITNESS EXCUSED.

BURRELL DANIELS RECALLED:

BY MR. BLUE:
Q During the time that you were in old Mexico as you have heretofor stated, did you, at any time, vote there? A No sir.
Q Did you take out any naturalization papers there and become a citizen there? A No sir, never did.
Q Have you ever at any time taken out any naturalization papers and become a citizen of any other state or country than the Cherokee Nation? A No sir.
Q Did you ever vote in Texas? A Never did/

BY MR. HASTINGS:
Q Never voted in the Cherokee Nation did you? A Don't know as I ever voted there either.

BY THE COMMISSION:
Q You testified that at Fort Stockton there were several Cherokee slaves there, do you know whether any of them are living now besides those of your own family? A Yes sir, some of them left and went to El Paso.
Q Did any of them ever return to the Cherokee Nation? A Not as I know of, went to El Paso, most of them did.
Q I am asking about those slaves that were with you at Fort Stockton, not a one returned that you knew of? A No sir.

WITNESS EXCUSED.

APPLICANT RESTS.

R.W.LINDSEY RECALLED:

BY MR. HASTINGS:
Q You are the same witness that was on the stand in this case this

morning? A Yes sir.
Q Is it true that Burrell Daniels life was threatened or that he was compelled by Col. Bryant or any one acting in his behalf to start with him to old Mexico from the State of Texas after the war?

Mr. Blue: I object to that as being incompetent, immaterial, and irrelevant and is calling for a conclusion of this witness and not attempting to get any facts in the case.

A No sir nothing of the kind that I am aware of or ever heard tell of, everything was amicable.
Q Did Burrell Daniels desire to go with Col. Bryant to Mexico?
A Yes sir, he seemed that way.

Mr. Blue: I offer the same objections as above.

Q Was he advised that old Mexico was a free state and was that xx your understanding at that time? A I don't know what advice but it was understood that Mexico was a free state.
Q Was there any soldiers taken along with Col. Bryant to guard these people to keep them from running away? A No sir.
Q At Fort Stockton were the colored people lined up and compelled to sign agreements and was Burrell Daniels compelled under threat of having his life taken of signing that agreement to pay Col. Bryant for his transportation for himself and family over to old Mexico?
Mr. Blue: I offer the same objections as above.

Q If Burrell Daniels stated that, is that true?

Mr. Blue: Same objections.

A No sir.
Q Were any threats made against his life at that time?

Mr. Blue: Same objections.

A No sir.
Q The applicant just made a statement her to the effect that Col. Bryant got about 1500 head of ~~xxxxx~~ cattle and drove them across there into old Mexico, I am frank to say that I don't see that that cuts much figure in this citizenship matter, but I want to ask you if that is true? A No sir.

Mr. Blue: I want to object to that for it contains a suggestion of the council, and xxx reasons as above.

Mr. Hastings: In answer to the above objection council for the Cherokee Nation desire to state that this question is asked purely for the purpose of contradicting the other witness, and while it is upon an immaterial point, yet if this other witness would go so far as to make such an absolute false statement as the one he did make with reference to these cattle, it would be a tendency to show the Commission and the Secretary of the Interior of the false statement of this witness.

Mr. Blue: In reply I desire to say that it is wholly gratuitous for he cannot be impeached upon an immaterial question, and further than that the present witness is quite as impeachable as the other witness.

Q Did he have any cattle other than you said? A No sir, he had a few milk cows and some beef cattle.
Q And you say it is absolutely without foundation? A Yes sir, without foundation and false.
Q And you say it is absolutely without foundation and it is false that he was compelled to go to Mexico or compelled to sign this contract? A Yes sir.

Mr. Blue: I object to that, it is incompetent, immaterial, and irrelevant, is a leading question and I object to it on that ground.

Q Did Col. Bryant have any soldiers along with him at all? A As I said I thought there was 10 or 12 men that some 4 or 5 of them had belonged to some other command, I don't think there was but one man that belonged to his regiment.
Q And they just went along as a party? A Yes they knew him.
Q Did you hear any remark made by Col. Bryant to the effect that Burrell Daniels would be killed and the wolves would eat his bones if he didn't sign that paper at Fort Stockton? A No sir.
Q You were there when it was signed, witnessed it? A Yes sir.
Q You say that Burrell Daniels was given his discharge papers by Col. Bryant at that time? A Yes sir, before he signed the others.
Q Was he told that he was a free man at that time. A He says this is the first act ~~that~~ Burrell that you have done as a free man. There was no andafew of the members of Mr. Bryants family, and about two other men besides myse lf when it was going on.

BY MR. BLUE:
Q Was there any man of adult age that was along with you at that time that hadn't been in the Confederate army? A I don't think there was, there might have been.
Q The fact is that all of those men that were of sufficient age had been in the Confederate services and were all leaving the country because they didn't like to stay here with the Yankees? A Well I don't know.
Q You were leaving for that purpose? A He might have left for that purpose.
Q Your father-in-law and his four sons-in-law all of whom had been in the Confederate army were going to old Mexico? A Yes sir.
Q And Lieut? or Capt. Stewart was along? A Yes sir.
Q And these two officers of his regiment? A No sir,only one officer of his regiment Lieut. Thomas, and Dr. Powell belonged to Col. Bryant's regiment, Capt. Stewart belonged to the First Cherokee regiment.
Q He had some Confederate soldiers along with him? A I don't know whether you would call them soldiers or not.
Q And all these men including your father-in-law and his sons-in-law were along, were they? A Yes sir.
Q And Col. Bryant freed these people at Fort Stockton about 200 miles from any settlement? A Yes sir.
Q And they had no teams or anything of conveyance? A Yes sir.
Q Do you not think, Mr. Lindsey, that it was a very singular proceeding for the former master and owner of slaves at such a place as Fort Stockton, many miles from any settlement in a ~~country~~ comparatively desert country and without any means of conveyance or anything to subsist on until they could get to a settlement to go through the form of releasing them f rom slavery there, and then ask them to sign a contract to work for him in old Mexico until they could pay him a bill for carrying them from Texas over into old Mexico?

Mr. Hastings: Objected to because this question is purely a matter of argument and is not cross examination of any fact of its developement.

A From one ~~[illegible]~~ aspect it would look to be peculiar, but I will state, as I have formerly stated that from the start from Warren, Texas, that with these people it was all entirely amicable and that there was no friction whatever ~~[illegible]~~ all existed between Col. Bryant and his slave, Burrell, that there was ~~as [illegible]~~ mutual understanding as could be between master and slave.
Q Under this contract about which you have testified, which was agreed as I understand it that Burrell Daniels signed by his mark a contract agreeing to pay Col. Bryant $800.00 for conveying ~~[illegible]~~ ing him and his family over to old Mexico from the starting point in Texas? A All is correct except the amount, I don't know about that, I don't remember the amount.
Q Were you present when this case was tried in the Mexican or French courts as they had there? A No sir.
Q Do you know anything as to the amount Col. Bryant claimed when he got to Mexico? A I do not know sir.
Q You say under that contract he enforced that contract against Burrell Daniels in Mexico and collected the money on it? A Yes sir
Q Now you have stated about some cattle, is it not a fact that Col. Bryant, before he started to old Mexico traded some slaves for some cattle? A Yes sir.
Q You know Mr. Baugh? A Yes sir.
Q How long have you known him? A About 51 years nearly.
Q If Mr. Baugh in his testimony stated that Capt. or Lieut. Stewart had a company of 15 or more men with him there, he was mistaken?

Mr. Hastings: I want to object to that because that is not his statement and the record will not show so, but the record will show that a number of men were along, but the record will not show that he had a company of men.

Q If Mr. Baugh did state in his testimony in this case today that there was a number of armed men along with this party with Lieut. or Capt. Stewart, in your trip to old Mexico, he was mistaken was he? A Yes there was a number of men along and armed, and Capt. Stewart was along but he had no command and did not act as commander, he was or had been a Captain and was called Captain.
Q If I understood you this morning you stated that all the party that was at Fort Stockton crossed over into old Mexico with you, am I right about that? A About making that statement, I don't remember but about all the party that was at Fort Stockton, not exactly all there was a few that came from Missouri, they joined us but didn't go on to Mexico.
Q Didn't you state this morning that all the party that was at Fort Stockton crossed over into old Mexico? A I don't know whether I did say it or not, I might have.
Q If Mr. Baugh stated on the stand that a part of the boys of the company that was along in that march from Texas to old Mexico, left it was incorrectly? A Yes sir.
Q There were some men along that didn't have any arms? A It is possible, there might have been there was a transent party along.
Q Did your party take any cattle into old Mexico with you? A No sir.

Q Did any parties join your party with some cattle after they started? A Yes sir.
Q Who were they? A Capt. Stewart, Major Franklin, and man they called Johnson, and a young man called Poe, and Lieut. Thomas and Dr. Powell.
Q How many cattle did they have? A Something like 200 maybe a little more, or a little less.
Q Then after all there was a herd of cattle along there with you besides the cattle of Col. Bryant? A Yes sir.
Q You don't know how many head there was of them? A From my best recollection there was a some 200 maybe more or less.
Q You don't swear to the exact number? A No sir I never counted them.
Q Wasn't Capt. Stewart and this man with you before they went back after those cattle? A No sir.

BY MR. WASTINES:
Q Did Col. Bryant have anything to do with those cattle? A No sir.
Q What relation was that with Indians? A It was pretty good country for Indians, I recollect once where the Indians run off and left a place.
Q You people went armed as individuals but there was no company of soldiers? A Nothing of the kind.

BY MR. BLUE:
Q Where was that you jumped up these indians? A Up on the head of what they called Brady Creek.
Q How far was that from Fort Stockton? A Somewhere between 75 and 100 miles.
Q And that was the country in which Col. Bryant freed his slaves?
A Yes sir.
Q Did they have any arms to protect themselves? A I didn't see any.
Q No means of protection or nothing to eat? A I have answered that two or three times.

BY THE COMMISSION:
Q How far did you say Stockton was from Chihuahua? A I couldn't say exactly, about 400 miles.
Q How long did it take you to travel from Fort Stockton to that place? A We travelled at the rate of 15 or 20 miles per day, perhaps we were on the road 15 or 20 days.
Q Do you mean that was on the travelled route? A Yes sir.
Q How far as the crow flies, how far is it? A Perhaps I struck off a good deal, about 200 to 250 miles perhaps.
Q There was no rail roads at that time? A No sir.

W I T N E S S E X C U S E D.

BY THE COMMISSION:
As far as the evidence in this case is now closed, and the case is submitted on the record. By the mutual consent and stipulation of the parties the case will be written up and briefs

will be allowed to be filed by the representatives of the applicant, and the Cherokee Nation then 15 days.

THIS CASE IS NOW CLOSED.

George K. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) George K. Lessley.

Subscribed and sworn to before me this 15th day of June, 1905.

(Signed) Edward Merrick.

Notary Public.

Mabelle Cohenour, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a correct copy of the original transcript.

Mabelle Cohenour

Subscribed and sworn to before me this 26th day of June, 1905.

Lukas E. Webster
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Burrell Daniels et al.----------	Cherokee Freedmen	D	40.
Andrew Daniels et al.----------	Cherokee Freedmen	D	641.
Lizzie Shafer et al.----------	Cherokee Freedmen	D	916.
Mary Hill et al.----------	Cherokee Freedmen	D	917.
Lizzie Haynes et al.----------	Cherokee Freedmen	D	941.
Mack Daniels et al.----------	Cherokee Freedmen	D	1089.
Thomas Daniels et al.----------	Cherokee Freedmen	D	1100.
Burrell H. Daniels----------	Cherokee Freedmen	D	1101.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Burrell Daniels, for himself and wife, Meranda Daniels, and minor child, Robert Daniels; by Andrew Daniels, for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Bessie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer, for herself; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arlena Shafer; by Mary Hill, for herself and minor child, Alice; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Adran Hill; by Lizzie Haynes, for herself and minor child, Howard Haynes; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Ames Haynes; by Mack Daniels, for himself and minor child, Mady Daniels; by Thomas Daniels, for himself and minor children, Mary, Lowella and Julia Daniels; and by Burrell H. Daniels, for himself.

The evidence shows that the said Burrell Daniels and his wife, Meranda, together with their children, Nancy Daniels, now deceased, and Thomas Daniels, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they were taken out of the Cherokee Nation and did not return thereto until sometime after the year 1879; that the said Andrew Daniels was born during the war of the rebellion and came to the Cherokee Nation with his father and mother on their said return. All the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Burrell, Meranda, Thomas, Nancy or Andrew Daniels.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Burrell Daniels, Bernenda Daniels, Robert Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Sunie Daniels, Thomas Daniels, son of Andrew Daniels, Dudley Daniels, Ennie Daniels, Minnie Daniels, Wirenda Daniels, Ruth Daniels, Linnie Shafer, Arlena Shafer, Mary Hill, Alice Hill, Adrian Hill, Linnie Haynes, Edward Haynes, Ames Haynes, Hack Daniels, Rudy Daniels, Thomas Daniels, Mary Daniels, Lemilla Daniels, Julia Daniels and Burrell H. Daniels, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. R. Stanley,
Commissioner.

Muskogee, Indian Territory,

this JAN 18 1904

[illegible] OF THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of [illegible]ll Daniels, et al., as Cherokee Freedmen, considering the [illegible]ptions of:

[illegible]urrell Daniels, et al.,	Cherokee Freedmen	[illegible]	[illegible]
[illegible]homas Daniels, et al.	"	"	[illegible]
[illegible]ndrew Daniels, et al.	"	"	[illegible]
[illegible]urrell N. Daniels,	"	"	[illegible]
[illegible]izzie Haynes, et al.,	"	"	[illegible]
[illegible] Daniels, et al.,	"	"	[illegible]
[illegible]ary Hill, et al.	"	"	[illegible]
[illegible]izzie Shafer, et al.,	"	"	[illegible]

-1-

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS, That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Burrell Daniels for himself, his wife, Miranda Daniels, and minor son, Robert Daniels; by Thomas Daniels for himself and minor children, Mary and Louella Daniels, and minor grandchild, Julia Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burkey, Lessie, Minnie, Miranda and Ruth Daniels; by Burrell N. Daniels for himself; by Lizzie Haynes for herself and minor child, Edward Haynes. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on January 28, 1902, of Anna Haynes, child of the applicant Lizzie Haynes; by Hack Daniels for himself and minor child, Mary Daniels; by Mary Hill for herself and minor child, Alice Hill. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the death, on March 16, 1902, of Edward Haynes, husband of the applicant, Mary Hill; and by Lizzie Shafer for herself. Thereafter, on June 4, 1902, there was filed with the Commission an affidavit showing the birth, on May 2, 1902, of Arlena Shafer, daughter of the applicant Lizzie Shafer.

THE RECORD FURTHER SHOWS: That, on January 16, 1904, the Commission rendered its decision herein, denying said applicants the right to enrollment as Cherokee freedmen; that on June 24, 1904 (Departmental letter I.T.D. 8040-04), said decision of the Commission was affirmed by the Department; and that, thereafter, on December 12, 1904, a motion for review was filed with the Department, on behalf of the applicants in this case, the same being submitted to the Assistant Attorney-General for his opinion thereon; that, on May 13, 1905, (Departmental letter I.T.D. 5330-05), the Department, in accordance with opinion of the Assistant Attorney-General, rendered May 9, 1905, rescinded its decision of June 24, 1904, and returned the record in this case with instructions to "institute a rehearing in the matter"; and that, on June 8, 1905, further proceedings in the matter of said application were had before the Commission at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as Cherokee Freedmen.

The following points in this case are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Burrell and Miranda Daniels, are the parents of Robert, Thomas, Andrew, Burrell H., and Mack Daniels, and Lizzie Haynes, nee Daniels, and Nancy Newton, nee Daniels, deceased; and that all the other applicants herein are descendants of certain of the above named persons, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(2) That the applicants, Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and that, after the close of said rebellion, the three applicants first above mentioned returned to the Indian Territory during the following years: Burrell and Miranda Daniels in 1884, and Thomas Daniels in 1897. The said Nancy Newton, nee Daniels, deceased, never returned to the Indian Territory, after the rebellion, she having died in Texas prior to the year 1884.

(3) That all the applicants herein except Burrell, Miranda and Thomas Daniels, were born since the commencement of the rebellion.

(4) That those applicants herein who were in being at the close of the rebellion, together with the said Nancy Newton, nee Daniels, deceased, were taken, by one Joel M. Bryant, from Texas to Mexico during the year 1865, where the said Burrell Daniels and his family remained until about the year 1872, when they removed to Texas and con-

tinuously lived therein till their return to the Indian Territory as above indicated.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Burrell and Miranda Daniels, with their family, voluntarily accompanied Joel M. Bryant and party from Texas to Mexico during the spring and summer of 1865; that they remained in Mexico till 1872, when they removed to Texas, became domiciled citizens of that state, and continuously lived therein till their removal to the Indian Territory during the years 1884 and 1897; and that none of the applicants herein have ever been admitted or readmitted to citizenship in the Cherokee Nation.

And it is further considered that the evidence in this case shows that upon their return to the Indian Territory, after the rebellion, neither the applicants Burrell, Miranda and Thomas Daniels, nor the applicants herein claiming through them, nor those claiming through Nancy Newton, nee Daniels, deceased, established a residence in the Cherokee Nation, but rather in the Creek Nation, where they continuously resided till subsequent to the year 1896.

None of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither of the applicants, Burrell, Miranda, or Thomas Daniels, nor Nancy Newton, nee Daniels, deceased, became domiciled citizens of the Cherokee Nation within the time specified by the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitaire, trustee, etc. vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

And it is further considered that, granting that those applicants herein born prior to the close of the rebellion, and the said Nancy Newton, nee Daniels, deceased, were, on or prior to February 11, 1867, domiciled citizens of the Cherokee Nation, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

[illegible]
Hill, Aaron Hill, Linn [illegible]
ried to enrollment as [illegible]
for enrollment as such are accordingly denied.

Jesse Gidley.

Dated at Muskogee, Indian Territory,
this SEP 25 1905

Cherokee Freedman R 40 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-o-o-o-o-o-

"WALLACE ROLL."

"Office No.	Wallace No.	Names	Age	Sex	Residence
2314	245	Daniels, Burrell	60	M	Creek Nation
2315	246	" Miranda	61	F	" "
2316	247	" Burrell Jr.	18	M	" "
2317	248	" Mack	16	M	" "
2318	249	" Lizzie	14	F	" "
2319	250	" Robert	12	M	" "
2320		" Mary	10	F	" "
2321	251	Newton, Lizzie	8	F	" " "

-10:-

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on page 109 of the Wallace, Roll, and that said Wallace Roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Burrell Daniels, et al. Cherokee Freedman R 40, et al.

Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 25 1905

Cherokee Freedmen R 40 et al.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

--:--

Census of _____ Citizens residing in _____ District, Cherokee Nation, authorized by an Act of the National Council approved April 18, 1893.

No.	Name	Age	Male	Female	By whom Identified	Remarks
94	Burl Daniels	20	"		Elizabeth C. Thompson J. Thompson by certificate	Living in Creek Nation Never lived in Cherokee Nation since 1861.
95	Marenda Daniels	23		"		
96	Burrell Daniels Jr	10	"			
97	Mack Daniels	17	"			
98	Lizzie Daniels	15		"		
99	Robert Daniels	12	"			
100	Mary Newton	12		"		Orphan grandchildren
101	Lizzie Newton	10		"		
102	Mary Newton					
103						
104	Andy Daniels	26	"			Living in Creek Nation
105	Willie Daniel	12	"			
106	Lewis Daniel	8	"			
107	Thomas Daniel	6	"			
108	Susan Daniel	5		"		
109	Essie Daniel	2		"		

I hereby certify that the foregoing is a true and correct copy of certain marks and figures found on Page 4, Cherokee District, Tenant Roll of 1903, and that said Tenant Roll is now in the lawful custody of this office.

And it is observed that a copy of said marks and figures is filed with and made a part of the record in the unadjudicated case of Harrell Vanlaky, et al., Cherokee Freedmen D 4a, et al.

Tams Bixby.

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this SEP 25 1905

Cherokee Freedman R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Durrell Daniels et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-o-o-o-o-o-

CHEROKEE FREEDMAN PAY ROLL.

Roll No.	Office No.	Name	Age	Sex	P.O. Address
4808	4444	Daniels, Andrew	32	M	Sequoyah Dist
4812	4447	" William, son	18	M	" "
4813	4448	" Louis, "	"	M	" "
4814	4449	" Ben "	"	M	" "
4815	4450	" Susie, dau.		F	" "
4816	4451	" Rosie, "	"	F	" "
4817	4452	" Minnie "	"	F	" "

4801	4453	Daniels, Durrell	44	M	Creek Nation
4806	4454	" Durrell Henry son	18	M	" "
4807	4455	" Hook "	16	M	" "
4808	4456	" Linnie, dau	17	F	" "
4809	4457	" " Robert, son	15	M	" "
4810	4458	Nathan, Mary gr. dau.	15	F	" "
4811	4459	" Lizzie " "	13	F	" "
4804	4462	Daniels, Ben		M	On Orig. Apr
					26 Sequoyah Dist.

James Bixby

SEP 25 1955

10 F20106

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Thomas Daniels,
Muskogee, I. T.
Cherokee-F-D-1108.
Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 16 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date: Dec 16, 1901

Post Office: Muskogee, I.T.

District: Illinois

1. Name: Thomas Daniels Age: 43

Owner's name: Citizenship:

Year: N.b. Page: 182 No.: 4462 District:

Parents:

Father: Burrell Daniels b. Citizenship: b claims b.b. F.W.

Mother: Mary " b. Citizenship: "

2. Name of wife: Age:

Owner's name: Citizenship:

Year: Page: No.: District:

Parents:

Father: Citizenship:

Mother: Citizenship:

Names of Children:

3. Mary Daniels Year: Page: No.: Dist.: 18
4. Lowell " Year: Page: No.: Dist.: 16
5. Julia " Year: Page: No.: Dist.: 2
6. Year: Page: No.: Dist.:
7. Year: Page: No.: Dist.:
8. Year: Page: No.: Dist.:
9. Year: Page: No.: Dist.:
10. Year: Page: No.: Dist.:
11. Year: Page: No.: Dist.:
12. Year: Page: No.: Dist.:

Application made by No. 1. Stenographer Arthur Lemmings

No 1 on N.b. Roll as Tom Daniels
& Birth Cert. to be supplied.

X Ref R 40.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STARLEY.

ALEXANDER L. EVELETH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-1100

Muskogee, Indian Territory, January 19, 1904.

Thomas Daniels,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself, your minor children, Mary and Louella Daniels, and your minor grandchild, Julia Daniels, as Cherokee freedmen, together with a copy of the Commission's decision dated January 18, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-72.
Register.

COPY.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 18, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Burrell Daniels et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adren Hill, Lizzie and Arlena Shafer as Cherokee freedmen.

Respectfully, T. B. Needles.

Enc. D-81

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

(COPY)

Cherokee Freedmen
D-40 et al.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Ames Haynes, Mary, Alice and Adran Hill, and Lizzie and Arlena Shafer as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Enc. D-80.

Commissioner in Charge.

[illegible]

Refer in reply to the following:
Lands [illegible]-1904.

[illegible]
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 16, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, transmitting the record of the application for enrollment as Cherokee Freedmen of Burrell Daniels for himself and his wife Miranda Daniels and minor child, Robert Daniels; by Andrew Daniels for himself and minor children Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer for herself and minor child Arlene Shafer; by Mary Hill for herself and minor children, Alice and Adrue Hill; by Lizzie Hayes for herself and minor children, Howard and Dave Hayes; by Mack Daniels for himself and minor child, Rody Daniels; by Thomas Daniels for himself and minor children, Mary, Louella, and Julia Daniels, and by Burrell E. Daniels for himself.

January 18, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Burrell Daniels, and Miranda, his wife and his minor child, Thomas Daniels were the slaves of a Cherokee citizen at the commencement of the war of the rebellion; that during the war they were taken out of

the Creek Nation; that after the war they were kidnapped by one Col. Bryant and carried into Mexico and sold into peonage; that in 1871 they were released from servitude and arrived in San Antonio, Texas, during that year; that they did not return to the Cherokee Nation until the year 1874. The other claimants have a no right hence except as derived from Burrell, Miranda or Thomas Daniels.

Under date of January 18, 1897, this office submitted for consideration and approval, the Kern-Clifton roll of Cherokee freedmen. With reference to Burrell Daniels the office said:

"Commissioners Clifton and Kern join in especially requesting the Department to place upon the roll the name of Burrell Daniels No. 4501, and his family. These Commissioners state as follows:

"It was not in the power of the Commission to do this because the evidence shows that he did not return until 1870 or later, but the evidence also shows that at the conclusion of the war he was sold by his owner, a Cherokee, into slavery into Mexico, and kept there for five years, until by the interference of this government, he was taken from Mexican slavery and at once returned to the Cherokee Nation. He and his family are estimable citizens, and these two Commissioners believe that the Cherokee Nation, whilst not willing to recommend his enrollment, yet would not be adverse to having him enrolled."

The same question was raised in this case before Commissioner Wallace, and the facts as stated by these Commissioners and as stated by Mr. Daniels himself in his testimony, submitted by them, are corroborative of the testimony as given before Commissioner Wallace, and upon these, he was enrolled by the Department. While under a literal interpretation of the language

of the treaty he might be entitled to enrollment, it was certainly not the spirit of the treaty to exclude persons of this class."

By letter of January 16, 1897, (Ind. div.2076-1896) the Department approved the enrollment of Burrell Daniels.

It does not appear necessary to pass upon the question of the duress of the claimants, Burrell, Mirtonda and Thomas Daniels during the period allowed for the return of freedmen to the Cherokee Nation ending January 11, 1867, for the reason that they do not appear to have made proper effort to return to the Cherokee Nation and claim their rights. On the contrary it is shown that it took them thirteen years from the time of their release from peonage to get to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

[illegible]

W.E.H.

J.R.

A.C.,Nos.2-1904. JWM

I.T.D. 5040-1904.

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 24, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1904, you transmitted the record in the consolidated case embracing the applications of Burwell Benjamin et al. (I.R.-40 et al), for enrollment as Cherokee freedmen, including your decision of January 18, 1904, rejecting said applications.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

[illegible]

[illegible], United Kingdom, June 24, [illegible]

F. W. Wolcott,
Attorney for the Contest Office,
[illegible], United Kingdom.

Dear Sir:

The ore survey contest book for [illegible], contest dated January 16, 1904, requesting an application for the segregation of Harvell L. Dunn, Mary, Tomlin, [illegible], Mark, Ruth, Joseph, Willie, Lewis, Hazel, Dunn, Jerry, Hazel, Stanley Miranda, Baby Tomlin, Veronia and Albert Tomlin, Stanley Wood and Ina Dunn, Mary, Allen and Alva Gilly, and Hazel and Albert Stanley in Section [illegible], has arrived by the postmaster of the Contest on June 24, 1904.

Respectfully,

[illegible] in charge.

Cherokee Freedman
D 1100

Muskogee, Indian Territory, June 30, 1904.

Thomas Daniels,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your two children, Mary and Louella Daniels, and your grandchild, Julia Daniels, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

[illegible]

[illegible]

Muskogee, Indian Territory, July 9, 1904.

[illegible] K. Bryant,

Attorney for Darrell Daniels, et al.,

Muskogee, Indian Territory.

Dear Sir:

In accordance with your request there is herewith inclosed to you a copy of the brief in the consolidated case of Darrell Daniels, et al., Creekee Freedom No. 2 [illegible] and [illegible] to [illegible] 320, Dawes, together with a copy of the Commission's decision rejecting the applicants, and a copy of the Department's letter of June 24, 1904, affirming the Commission's action.

Respectfully,

Enl. 7-16

Commissioner in Charge.

COPY.

J.R.V.
W.S.P.
S.V.P.

I.T.D.
1704-1906.
9407, 10081-
1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
WASHINGTON, May 9, 1905.

The Secretary of the Interior.

Sir:

I received by reference of February 20, 1905, for opinion thereon, the motion of counsel for the Cherokee freedmen for reconsideration of departmental decision of March 22, 1904, approving my opinion of that date, and by reference of February 18, 1905, for consideration in connection therewith, the record in the consolidated case of Burrell Daniels and others (twenty-eight persons) for enrollment as Cherokee freedmen. The latter case is before the Department upon a motion of counsel for the applicants for review of the decision of the Commission to the Five Civilized Tribes adverse to the applicants.

My opinion of March 22, 1904, was rendered upon departmental reference of a request by the Commission to the Five Civilized Tribes for construction of the freedman enfranchisement clause of Article IX of the treaty of July 19, 1866 (14 Stat., 799, 801):

That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and

their descendants, shall have all the rights of native Cherokees: Provided, ...

The opinion referred to, so far as here in question, summarized, was: (1) The six months period (from ratification of the treaty August 11, 1867,) is not a limitation, but a condition to the right granted, affecting all, competent, or incompetent, and that return within the period therein fixed is an essential part of the facts out of which the right granted arises; (2) That "residents" had reference to the place of the freedmen's legal domicile, and not to that of his then accidental, actual, physical presence or temporary place of abode.

The contention of counsel for the freedmen in the present motion is, that the provision, "and are now residents therein, or who may return within six months," has reference only to "free colored persons who were in the country at the commencement of the rebellion," and has no reference to the former slaves described as freedmen liberated by their owners or by law. This contention is based upon an analysis of the grammatical structure and punctuation of the provision, which I have carefully considered, but deem unnecessary here at any great lenghhto discuss. Grammatical structure and punctuation are both proper aids to construction, but neither nor both combined exclude other inquiry into the legislative intent which must

always control, when satisfactorily ascertained, though both grammatical structure and rules for punctuation be disregarded. By this, however, I am not to be understood as conceding the contention that either the grammatical structure or the punctuation indicates that the six months period had reference to the "free colored persons" only, or did not refer to the liberated former slaves. As to structure of the sentence, it appears to me that the words "as well as" are strongly conjunctive, not disjunctive. The phrase "as well as" is defined in the Century Dictionary and Webster's International Dictionary, at the word "as", as meaning "just as much, equally (with), in addition (to), besides, no less (than)." All these difinitions or equivelents of "as well as" indicate the idea of equality of merit and of benefit, rather than an intent to give more privilege to or to impose less burdensome obligation or condition upon the first class than upon the second. The circumstances of the time were that the former slaves had late been mere things, chattels, not men, and their claim to recognition and just treatment as members of the organized society could hardly have won higher recognition that that given other persons of the same race who had attended to free manhood years before, or even higher that that given the free-born full-blood Cherokee. A construction that would lead to such result is, in light of the circumstances of the time, not

only irrational, but almost unthinkable, and is clearly erroneous.

As to punctuation, had the intention been to confine the operation of the six months return period to the second or free colored person class alone, no punctuation to break the flow of connected thought was necessary or appropriate from its initiation with the words "as well as" until the words "six months", when, on this theory, the thought culminated, was fully expressed, and a natural pause was reached. In fact the punctuation is against the theory sought to be based upon it.

The Cherokee Nation at that time had a constitutional provision (Sec. 2, Art. 1) against their own full-blood citizens, that:

> Whenever any citizen shall remove with his effects out of the limits of this nation, and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease.

This provision operated instantly upon the native Cherokee, whenever and as soon as he removed his person and effects from the nation and identified himself with a community alien to it. Had the treaty benefit been limited only to such freedmen, or former slaves as were then in and identified with the nation, the provision would have been as liberal to the freedmen as was the Cherokee constitution toward its own full blood citizens. In giving a six months period for their return

The treaty was more liberal [illegible] constitutional provision to the [illegible] due to the conditions of the time of passage of [illegible] mental disorder caused many to return to safer localities. The proper period to be allowed because of such conditions was one to be determined by the treaty parties, but consideration of the circumstances of the time and the provision of the constitution of the Cherokee Nation show that it could not have been intended to give freedmen an unlimited time to return and [illegible] to extend a privilege as to absence far above that of full blood native citizens.

For these reasons, as well as those advanced in my former opinion, I am of opinion that the six months period in Article IX, of the treaty, supra, applies equally to former slaves and to former free persons of color, and adhere to the opinion formerly expressed.

Passing now to the case of Burrell Daniels and others, I desire to call attention to the opinion of March 22, 1904, that "residents" in the treaty has reference to the place of legal domicile, not that of actual accidental presence, and also to my opinion of April 16, 1904 (in I. T. D. 2302-1903; 799 and 1240-1904), in case of Charles Ferguson, in the final paragraph of which it was noticed that "one under mental restraint, whether

legal or not, can not freely choose his own place of abode, or his domicile", meaning thereby his place of usual actual physical presence and place of living. At the time of emancipation of the slaves by the Cherokee Nation, February 1863, referred to by Article XX of the treaty (14 Stat., 801) the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands went to Mexico, carrying Daniels with them and sold him to Mexicans, where he was held in peonage until his return was affected by intervention of the United States.

It does not appear when Daniels' deportation occured more definitely than that it was after Kirby Smith's surrender (May 26, 1865), and before August 20, 1866, as Colonel Bryant, in command of the force holding Daniels, had been ordered to turn in his camp equipage, but refused to do so, went south through Texas into Mexico, taking with him the negroes and a herd of cattle. By August 20, 1866, the banditti which infested Texas

after the surrender of the organized armies had been suppressed, dispersed, or expelled, and the termination of the period of war was proclaimed (14 Stat., 814). Colonel Bryant's party was one of these insurgent banditti, and Daniel's removal, deportation into peonage in Mexico, was evidently after the fall of the organized confederate government and surrender of its armies, and was without any semblance of authority of an organized government, but was a mere act of brigandage. It is clear thatDaniel's deportation by brigands and sale into peonage in Mexico and his detention there worked no change in his residence and forfeited no rights. While held in peonage he must be regarded as resident and domiciled in the Cherokee Nation, and his children born there as born in the nation.

The United States interferred in his behalf, effected his release from peonage, and returned him to the United States after about six or seven years of foreign servitude. He was not returned, however, to his home in the nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cerokee country, when no railroads had penetrated these regions or afforded facility for travel. His rights and the consequences of his delay in effecting his actual return from San Antonio to the Cherokee Nation must be determined upon the same principles as the case of a native Cherokee citizen under section 2, Article 1, of the Cherokee Constitution, had a native citizen, at the time

of Daniel's return by the United States to San Antonio, been forcibly taken and set down at San Antonio.

To that time Daniels had been able to do nothing and had done nothing to change his legal domicile from the nation. He had been forcibly and tortiously deported by brigands and sold into servitude. No rights could be lost thereby. In legal aspect he was while in foreign peonage and actual resident of the Cherokee Nation and citizen thereof under Article IX of the treaty. If upon being freed from physical restraint he returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation. If, on the other hand, he pursued such course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

As to what the fact was in this respect I do not regard it proper for me, in the first instance, to find from the evidence in the record, thus forestalling the Commission to the Five Civilized Tribes and the proper reviewing officers whose province it is to adjudge the facts. As the commission did not base their decision upon proper grounds, but based it upon a

supposed bar in Article IX of the treaty against their consideration of these facts, regarding him as not domiciled in the nation on or prior to August 11, 1867, whereon he should be regarded as so domiciled therein, I am of opinion their decision should be vacated, and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Danials of the nation to introduce further evidence bearing upon the question of intention to change his domicile prior to his actual return to the nation.

Very respectfully,

(Signed) Frank E. Campbell,
Assistant Attorney General.

Approved, May 2, 1905.

(Signed) E. A. Hitchcock,
Secretary.

F.S.L.

[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 13, 1906.

R.S. 24356-1905.
F.T.D. 5250-1905.

Firth,

[illegible]

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On June 24, 1904, following the recommendation of the Indian Office of June 17, 1904, the Department affirmed your decision of January 18, 1904, refusing to enroll, as Cherokee freedmen, the applicants in the case of Burrell Daniels, et al. (F.R.40).

A motion for review was filed on behalf of the applicants in this case and submitted to the Assistant Attorney General for this Department for opinion. In an opinion rendered and approved May 2, 1905, the Assistant Attorney General held that if the principal applicant, after being freed from physical restraint, returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation; further, that if on the other hand, he pursued such course as showed an intent to choose a domicil and abide elsewhere, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at [illegible] intents.

The opinion was also expressed that as your Commission did not base its decision upon proper grounds, but based it upon a supposed bar in Article IX of the treaty of 1866, regarding the applicant as not domiciled in the nation on or prior to August 11, 1867, whereas he should have been regarded as so domiciled therein, your decision should be vacated and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation.

In accordance with this opinion, a copy of which is inclosed, the decision of the Department in the case is hereby rescinded; the record and the papers are returned herewith and you are requested to institute a rehearing in the matter.

Respectfully,

Signed Thos Ryan
Acting Secretary.

12 inclosures.

COPY.

Cherokee Freedmen

E-391.

Muskogee, Indian Territory, May 31, 1905.

Thomas Daniels,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al. as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 13, 1905, remanding this case for further hearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, and introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Register.

COPY

Cherokee Freedmen

Docket 28 et al.

Muskogee, Indian Territory, May 24, 1906.

Hon. Harrison & Thompson,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Darrell Daniels, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 22, 1906, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Saturday, June 9, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner to Charge.

Incl. Ltr.

COPY

Cherokee Freedmen

Docket 31 et al.

Muskogee, Indian Territory, May 21, 1906.

Mr. A. Wright,

Attorney for Terrell Dunlap, et al.

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Terrell Dunlap, et al., as Cherokee freedmen, you are advised that the Commission in the receipt of Departmental letter of May 15, 1906, remanding this case for further hearing and readjudication.

The applicants here, therefore, will be expected to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 6, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED) T. B. Needles

Commissioner in Charge.

Enclo. Ltr.

Register

Muskogee, Indian Territory, Sep 25 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of May 13, 1905, (I. T. D. 5330-1905), remanding the record, including the decision of the Commission to the Five Civilized Tribes of January 18, 1904, in the matter of the applications of Burrell Daniels, et al., for enrollment as Cherokee Freedmen, for rehearing and readjudication, in accordance with the opinion of the Assistant Attorney-General, rendered on May 9, 1905, wherein it is held that the Commission erred in adjudicating the rights to enrollment as Cherokee Freedmen of the said Burrell Daniels, et al., under the theory that their rights were barred under Article IX of the Treaty of 1866, and that said applicants' rights to enrollment as Cherokee Freedmen should have been adjudicated under the provisions of Section 2, Article I, of the Cherokee constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;...."

In accordance with said instructions, these applications were set down for re-hearing before the Commission on June 5, 1905, and due notice of said re-hearing was sent to all parties in interest.

On the date set for re-hearing, all parties applicant appeared either in person or by attorney, the Cherokee Nation appeared by attorney, and a re-hearing was had therein and the applications again taken under advisement by the Commission.

There is herewith transmitted the record in said cause, together with my opinion of this date, for further consideration by the Department.

In transmitting this record, I desire to submit my views on the questions of law and fact arising in the adjudication of said applications more fully than they are set forth in the judgment in this cause.

The following statement of facts is fully supported by the evidence in this case:

That Burrell, Miranda and Tom Daniels, principal applicants, and Nancy Newton, nee Daniels, deceased, through whom all the other applicants herein claim the right to enrollment as Cherokee freedmen, were, at the commencement of the Rebellion, the slaves of Cherokee citizens; that some time during the summer or fall of 1862, said Burrell, Miranda and Tom Daniels, and Nancy Newton, nee Daniels, deceased, were removed from the Cherokee Nation by one Joel M. Bryant, and, after the close of the rebellion were taken by the said Joel M. Bryant to Mexico, where they remained until some time during the early '70's, when they removed to San Antonio, Texas, and a number of years later removed from Texas to the Indian Territory.

The principal applicants herein allege that they were forced by Joel M. Bryant (after the rebellion) to make the trip to Mexico; that after arriving in Mexico, they were sold into peonage, and compelled to remain in that country six or seven years; that upon their release from

Secretary--4.

passage in Mexico they removed to Texas, where, by reason of the condition of their finances, they were forced to remain a number of years, in order to earn money enough to pay their way to the Cherokee Nation, and that, since the close of the rebellion, it was ever their intention to return to said Nation as soon as circumstances would permit. These allegations are denied by the Cherokee Nation.

Under this showing attorneys for applicants contend that said applicants have complied with the provisions of Article IX of the Treaty of 1866, which, in part, provides:

> "That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

Numerous letters and briefs have been filed in this case by the attorneys for applicants, in support of, among others, their contention above indicated. This office refers and calls particular attention to certain parts of said letters and briefs material to the question

Secretary--2.

now under discussion. In this connection is cited the frequent use, by attorneys for applicants, of the term "poor ignorant people" as designating claimants generally for freedman citizenship in the Cherokee Nation. Aside from the fact that ignorance does not excuse them from compliance with the law, this office advisedly says that the term is a misnomer, and, after several years experience with this class of applicants, it is convinced that they are as fully capable of protecting their own interests as are the Indian citizens of the Cherokee Nation. And the applicants in this case are anything but exceptions to their class.

Several reasons are advanced by their attorneys why said principal applicants should not be required to show that they returned to the Cherokee Nation, after the rebellion, within the time stipulated in said Article IX of the treaty of 1866, as interpreted in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., but, except the one below discussed, all have been disposed of by the Assistant Attorney-General, in his opinion above referred to.

Secretaryship.

After asserting that "A slave can have no domicile, inasmuch as he cannot possess one of the requisites, namely, intention", that "A slave had no political rights, 92 U. S. 27", and that "Domicile is a political right", they argue as follows:

> "In the United States a slave was capable of committing crime, of receiving his freedom, of being the subject of homicide, and of modifying, by his volition, very materially, the rules applicable to other species of property. While, under the civil law, slaves were classed among things, and as such, a slave was not considered capable of violating the criminal or civil laws of the country, any more than other domestic animals.
>
> "The modifications placed upon the old civil law theory, were the results, largely, of statutory enactments, since genuine slavery was not known under the original common law. The villiens of the early English times were but feudal tenants of the lowest grade, and were but monuments of Danish tyranny."

From thisline of argument they draw the conclusion that:

> "On account of the above mixed conditions, a slave, emancipated in the United States, acquired the domicile of his owner by operation of law, in the same manner that an infant acquired the domicile of its ancestor, by inheritance." Brief filed with the Department, December 12, 1904.
>
> And again, "When by act of the National Council in February, 1863, the shackles fell from all Cherokee

Secretary:-

> slave, this petitioner became a freedman, and acquired a right of domicile in some place. From the very nature of the circumstances he must have become vested with the same domicile as his master." Paragraph 1, page 20, Brief filed with the Department, May 6, 1867.

This office is free to admit its inability to rule by the reasoning of the attorneys for the applicants, in the extracts from their briefs above set out, but the conclusion reached it can fully understand, and as they site no authority to sustain their position, it is considered that their conclusion is subject to serious doubt, if not complete rebuttal.

Following the reasoning of attorneys for applicants in this case, the Assistant Attorney-General says:

> "At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat. 801), the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual rural case. The record, however, shows that at the close of the war of the rebellion, Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands, went to Mexico, carrying paniels with them, and sold him to Mexicans, where he was held in peonage until his return was effected by intervention of the United States." Page 6, Asst. Atty-Gen'l's Opinion.
>
> "To that time Daniels had been able to do nothing,

> and had done nothing, to change his legal domicile from the Nation. He had been forcibly and tortiously deported by brigands, and sold into servitude. Rights could be lost thereby. In legal aspect he was while in foreign passage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the Treaty. If upon being freed from physical restraint he returned to his home in the Nation within such time as was reasonably necessary, considering his means and circumstances, and the facilities for travel, he should be regarded as never having been absent from the Nation. If, on the other hand, he pursued such a course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the Nation and took up his residence at San Antonio." Page 6, Asst. Atty-Genl's. Opinion.

It is well settled that prior to the rebellion an African, whether slave or free, had no civil, social, or political rights or capacities whatsoever, except those conferred by statute." And, "every attempt to extend to a slave positive rights was an attempt to reconcile inherent contradictions, for, in the very nature of the case, he was subject to despotism. Law, as to him, was only a contract between his rulers;" Bryan _v_ Watson, 20 Ga. 480; ex parte Bayleton, 2 Strob. (S. Car.) 41; Dave _v_ State, 22 Ala. 33; Oliver _v_ State, 39 Miss. 527; Jacobs _v_ State, 3 Humph. (Tenn.) 493;

Mason v State, 4 Humph. (Tenn.) 401. "He was mere property, and in the United States the right of property in a slave was recognized not only in the Constitution, but by every Department of the government, from its foundation to the commencement of the rebellion. The institution was regarded as beyond all cavil entitled to the benefits of all the provisions and guarantees for the protection of any other property". Prigg v Com. 16 Pt.(U.S.) 539; Dred Scott v Sanford, 19 Howard (U.S.) 393; Neal v Farmer, 9 Ga. 555; Bodine's Will 4 Dana, (Ky.) 476; Corbin v Marsh 2 Dev. (Ky.) 193; Thornton v Dubose 3 Sneed.& M. (Miss.) 609; Hendelite v Thurman, 22 Grat. (Va.) 466, 12 Am. Rep. 526.

In view of the foregoing it is quite apparent that any civil, social or political rights African slaves enjoyed in this country prior to the rebellion must have been conferred upon them by statute, and in the absence of any showing that by statutory enactment slaves were granted the right to acquire a domicile by inheritance, or otherwise, or that said domicile was to be that of their masters, it is not unreasonable to presume that such right did not exist, and

[illegible]

[illegible] the domicile of a slave since freed the open rules of law are applicable as are applicable to any other free person.

Accepting, for the sake of argument, January 14, 1863, as the date upon which Parrell and Elizabeth [illegible] obtained their freedom (which, however, is error, as at that time said principal applicants were without the jurisdiction of the Cherokee Nation, and, under the law and as a matter of fact, were not free prior to the close of the war), it is considered that any political rights now possessed by them must have been conferred upon them on or subsequent to said date, and as the right of domicile is a political right, their domicile at any time since being freed should be determined in accordance with the law applicable to persons sui juris.

In connection with the foregoing attention is respectfully called to the following authorities, which clearly define the requirements necessary for an adult to establish a legal domicile:

"To acquire a domicile two things must concur: (1) A residence; (2) An intention to make it the home of the party." Hart v Lindsey, (17 N. H. 235)/ 43 Am. Dec. 597;

"Residence and intention to remain must both concur in order to establish domicile". Gilman v Gilman (53 Me. 165), 63 Am. Dec. 302; Cavillian v Richard (13 La. 293), 33 Am. Dec. 563.

"To acquire domicile there must be a residence in a place and an intention to make it come home". Viles v City of Waltham (157 Mass. 542), 34 Am. State reports 311.

"Domicile can only be acquired by the fact of bodily presence, coupled with the requisite animus". Jacobs Law of Domicile, Sec 93, page 150.

"A new domicile is not acquired by mere intention to so acquire it, without the fact of an actual removal, nor is it acquired by a removal without the intention". Ringgold v Barley (5 Md. 186), 59 Am. Dec. 107.

"Intention to reside must relate to the future, and not to the past, where it, combined with residence, is relied upon to establish a domicile". Gilman v Gilman, supra.

Numerous authorities to the same effect could be collected, but it is considered that the foregoing citations are sufficient to show that two things must concur in order to establish a legal domicile: (1) Bodily presence; and, (2) An intention to make it the home of the party. If either

requisite be lacking, or they are not coincident, no domicile is established.

Applying the law of domicile to the facts established by the evidence in the case now under consideration, it will be found that prior to 1884, if then, one or the other of these elements necessary to establish their domicile in the Cherokee Nation, was ever lacking on the part of the applicants. Prior to February 16, 1883, when the principal applicants were bodily present in the Cherokee Nation, they had not the legal capacity to possess one of the requisites, namely, intention, and in so far as this office is able to discover after a somewhat exhaustive research, there is no law, custom or judicial decision to the effect that this intention could have been supplied or exercised by any one for them.

Subsequent to said last above mentioned date, and prior to 1884, while they may have possessed, during all this time, the legal capacity to choose a domicile, the fact remains that they were not bodily present in the Cherokee Nation during said interval,; consequently, said applicants

did not, and as a matter of law could not, establish a domicile in said Nation until they were not only bodily present, but legally capable of intending to make that Nation their home, which requisites, as the evidence shows, did not concur prior to the year 1894. Hence, under the law, they did not comply with the provisions of Article IX of the Treaty of 1866, relative to establishing a residence in the Cherokee Nation.

On May 22, 1894, the Assistant Attorney-General, in reply to certain questions submitted to him by the Attorneys for the Cherokee Nation, held that:

> "The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given or created by the treaty. It is not in the nature of a condition precedent but essentially part of the facts out of which the right given arises. There is no right independent of the condition imposed. Such limitation affects all alike, competent or incompetent.
>
> "Residence is a word of varied meaning, incapable of accurate definition without reference to the context in which it appears. It is used with equal propriety in the sense of legal domicile, and in that of a temporary place of abode. The context shows that the object of the provision (Article IX treaty of 1866), was to give the status of citizenship in the Cherokee Nation to classes of persons who before did not have it, many of whom had lately been mere chattels. Its purpose

was to raise persons of inferior or no civil status to that of dignity and of legal equality with the body of citizens.

"I am of opinion that physical return of the person within the time prescribed by the treaty was not necessary in those cases where a domicile therefore held in the Cherokee Nation had not been abandoned or lost, and that the person might be excused from return by inability or like reasons as prevent loss of domicile by one not actually resident at the place of legal domicile".

This ruling was followed by the Commission in numerous decisions since rendered, and it was ever its understanding that it was incumbent upon freedmen claimants to show that during the interval between the time of obtaining their freedom and February 11, 1867, they, or the ancestor through whom they claim their right, had established a legal domicile in the Cherokee Nation. The question of facilities for travel, financial conditions, distance applicant was removed from the Cherokee Nation, size of his family, and a great many other hindering causes that applicants may now plead, if the new ruling in this case is permitted to stand, were never gone into, but applicant's rights have ever been determined upon, among others, the clear-cut proposition--Were you or those through whom you claim the right to enrollment as a Cherokee freedman, actually present in

The Cherokee Nation with the intention of establishing a residence therein, during the interval between the date of being freed and February 14, 1867? And it is not fair to the Cherokee Nation that this should be the outcome of the inquiry along this line.

The Cherokee Nation is not responsible for the existence of conditions that prevented the freedmen from complying with the treaty stipulations of 1866, and, further, if freedmen claimants are permitted to plead the many reasons suggested by the new ruling in this case, as excuses for their non-compliance with said treaty stipulations, the Nation is at the mercy of the freedmen applicant, for not only are the majority of these reasons matters peculiarly within the knowledge of the applicant, but, if alleged, as undoubtedly they will be, any so this is to date incapable of being rebutted.

Furthermore, this ruling, in effect, removes from Article IX of the Treaty of 1866, the time limit within which freedmen were required to establish their residence in the Cherokee Nation. If the said Act of February 14, 1867, ipso facto, made absent freedmen bonafide citizens of

the Cherokee Nation, what objection there be for investigating the question as to when freedmen applicants or their ancestors returned to the Cherokee nation and established their residence therein after the rebellion, when the only advantage to be obtained by complying with this provision was to secure a political right which, under the ruling in this case was already theirs?

Under this ruling the only question for investigation and determination would be: Has there been a forfeiture of the rights absolutely conferred by the treaty of 1866, upon those who were the slaves of Cherokee citizens, or free colored persons residing in the Cherokee country at the commencement of the rebellion, and their descendants?

It is for these reasons:

(1) The ruling of the Department is not in accordance with the law; and,

(2) To follow said ruling to its logical conclusion will necessitate the reopening of numerous cases heretofore passed upon by the Commission to the Five Civilized Tribes and the Department and the adoption of an entirely new construction of the law applicable to Cherokee Freedman cases;

that this office respectfully requests that the ruling in this case be reconsidered and the former decisions of the Department in this class of cases be adhered to.

It is however, considered by this office that even though Burrell and Miranda Daniels and family were domiciled citizens of the Cherokee Nation on or prior to February 11, 1867, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, and in this connection attention is called to the following points in this case.

The evidence in this case does not show that Joel M. Bryant refused to turn in his equipage at the close of the rebellion; or that he was at the head of an "insurgent band" or that he or any one of his company, ever stole a bovine in their lives; neither does the evidence show that either or any of them compelled any red, white or black man, woman or child, to accompany them to Mexico, in 1865, or at any other time. All such allegations are based upon the unsupported and uncorroborated testimony of Burrell Daniels.

In re testimony of Burrell Daniels: This applicant seems to have had a wonderful knowledge of his former

Secretary's.

master's business at a time too, when he would have it believed that his ownmaster was engaged in a transaction that required secrecy. He is perfectly familiar with the motive that prompted Jack Bryant to go to Mexico, and testifies positively that Colo. Bryant took certain members of his party, giving their names, from West Texas to East Texas to steal cattle; and that after a short absence they returned with 1500 head, which they took across into Mexico. He further testifies that he never could read or write, but that he, with others, was compelled at the point of a gun, to enter into a contract whereby they agreed to pay Col. Bryant for their transportation from Texas to Mexico. All of which is denied, and the contrary alleged by the witnesses for the Cherokee Nation, who were members of Colo. Bryant's party from Texas to Mexico in 1865.

Attention is further called to the testimony of Burrell Daniels rela tive to his return from Mexico to Texas. On his first appearance before the Commission he testified that he and his family were released from peonage in Mexico through the intervention of President Grant, and that they

Secretary-18.

were brought from Chihuahua to the Rio Grande by soldiers went into Mexico to effect their release; that the soldiers paid him $20.00 for services rendered during the trip, and that he and his family immediately thereafter started for San Antonio. On his last appearance before the Commission he omitted the soldier feature of his release and return, and testified that he effected the release of himself and family in Mexico, by laboring until the amount for which he was held was satisfied; that he, leaving his family at Las Cruces, together with Mr. Brown, a lumberman, followed a train of wagons from Chihuahua to the Rio Grande river, where he worked in a mill for two months, during which time he sent money to his family in Mexico for their support; that finally, he arranged with a man in charge of a Mexican wagon train to bring his family to him, the consideration being $15.00, and that after their arrival, he and his family remained on the Rio Grande river for a while, or until he arranged with the boss of another wagon train to transport himself and family to San Antonio, and that, on their arrival at the latter place, instead of charging him anything for transportation, the man in charge of the train paid him $10.00, for services rendered during the trip.

Secretary--22.

In view of the many unreasonable and improbable assertions made by the applicant, Burrell Daniels, relative to matters that he could have known only by hearsay, or by drafts upon a rather vivid imagination, of which he seems possessed, in connection with the many contradictory statements made by him, it is considered that his testimony is of little value in ascertaining the facts at issue in his case, and that his acts, in connection with certain facts known to this office, will better serve as a guide in determining whether or not it was his intention, after the rebellion, to return to the Cherokee Nation as soon as circumstances would permit.

Burrell Daniels testifies that he knew nothing of the treaty of 1866 prior to his removal to the Cherokee Nation in 1884, hence, it cannot be inferred that during the interval between July 19, 1866, and the date of his removal to said Nation it ever was his intention to comply with its provisions.

The testimony of Burrell Daniels as to dates and places of birth of his children, records of their marriages, and other attendant circumstances, shows that he and his family

lived at least twelve years in Texas; but, after the most thorough examination, this applicant will account for but five and one-half years spent in that state, which, on its face shows an inclination to keep back facts that would tend to show whether or not he intended to make Texas his home.

It is urged by the attorneys for applicants as a reason for Daniels and his family's failure to return to the Cherokee Nation at an earlier date, that their stay in Texas was at a time when no railroads had penetrated those regions (Waco and San Antonio, Texas), or afforded facilities for travel. This is but a quotation from the Assistant Attorney-General's opinion rendered on May 8, 1906, wherein he says:

> "He (Durrell Daniels) was not returned, however to his home in the Nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated those regions or afforded facilities for travel".

It is a matter of public knowledge that the Missouri, Kansas and Texas railway was built through the Indian Territory to Denison, Texas, during the years 1871 and 1872, and

it is known to this office that this line passes through the Cherokee United within ten miles of Burrell Daniels' old home on Grand River.

"In 1850, General Sidney Sherman organized, in Boston, Mass. a company for the building of a railroad in Texas. In 1853 the Buffalo Bayou, Brazos & Colorado road was begun, and the shrill whistle of the engine was heard at Harrisburg. The road, in 1856 had reached the Colorado river, only sixty-five miles from its starting point. This was the beginning of the great line now known as the 'Sunset Route' (Southern Pacific)". A New History of Texas, revised Ed. page 338. (This is the railroad on which Burrell Daniels and his family traveled from San Antonio to Weimar, shortly after their removal from Mexico to Texas).

"In 1848 a charter was granted to the Houston & Texas Central; work was not begun till 1851, and in 1861 not more than eighty miles had been completed. Twelve years later the road reached Denison and became a mighty thoroughfare of traffic.

"Even as late as 1867 the railroads in Texas were few in number and limited in extent, the total mileage amounting to not more than four hundred miles. From 1873 to 1880 there was a wonderful increase; roads sprang up in all directions, new sections were opened and rapidly settled, everywhere the iron horse carried civilization, comforts and luxuries." Ibid.

Thus it will be seen that as early as 1873 there was a direct all-rail route from that part of Texas (Weimar and San Antonio), where the Daniels's were located, to within

a few miles of their old home in the Cherokee Nation. This, it is believed, fully settles any question as to the railroad facilities between the Cherokee Nation and San Antonio, Texas, and successfully rebuts any allegations to the effect that such facilities were inadequate.

It is contended in behalf of applicants, that while Daniels and his family were living in Texas, they were the "victims of the vicious system of share-farming" and that this must be considered as one of the attendant circumstances which prevented them from returning to the Cherokee Nation at an earlier date. Burrell Daniels testified that he raised four crops in Texas. The first year he came out in debt. The second year he left the place after the crop was put in. The third year he came out even, and the fourth year he made enough out of the crop to pay up "all our debts and everything and we had enough money to come to Muskogee." This is the extent of their farming in Texas, so far as the record shows, and it does not indicate that they were the victims, for any length of time, at least, of the

so-called "vicious system of share-farming", alleged to be at that time prevalent throughout the south.

Another feature established by the evidence in this case, and worthy of comment, is this: The testimony of Burrell Daniels shows that starting from Chihuahua, Mexico, with no financial means, and traveling only by wagon train, the distance between Chihuahua and San Antonio, Texas, 520 miles, was covered by himself and family within a few months, but to cover the distance between San Antonio, Texas, and Muskogee, Indian Territory, 558 miles overland, or 703 miles by rail, required twelve years for himself and a part of his family to make the trip, and for other members of his family it required twenty-four years to reach the Cherokee Nation.

Attention is also called to the fact that the evidence in this case shows that Burrell Daniels and those who returned with him to the Territory after the rebellion, did not settle in the Cherokee Nation, but rather in the Creek Nation, where, as indicated by the Wallace Roll (1889), Cherokee Census Roll of 1893, and Kern-Clifton Roll (1896), they resided continuously for twelve or thirteen years.

The foregoing it is respectfully recommended shows conclusively that neither Burrell Daniels, nor any member of

his family returned to the Cherokee Nation after the rebellion and long as circumstances would permit, but rather that the return of part of this family to the Indian Territory nineteen years after the close of the rebellion and the return of other members of said family thirty-two years after the war, was due to some cause other than a desire or an intention to have or acquire any citizenship rights in the Cherokee Nation.

This cause is discussed there in detail because of its great importance to the work of enrollment of the Cherokee Freedmen. This work is at the present time almost completed. It has been attended by many difficulties caused principally by the reason that the facts to be established occurred thirty-five or more years ago, which lapse of time necessarily dims and clouds the memory of the witnesses.

The great bulk of this work was done under precedents and an interpretation of the law entirely at variance with the opinion of the Assistant Attorney-General of May 9, 1905, rendered in this cause, and the confusion which would result from a change at this late date cannot be overestimated.

Already many who long to reopen and reconsider in the light of this ruling cases long since closed, have been

Secretary-2c.

Tibet and many other applicants are only waiting for final decision in this case, the issue hold down in the opinion of the Assistant Attorney-General, express to pray for a reconsideration in their cases.

It is therefore respectfully recommended that this matter be again carefully considered in the light of the views herein set forth and that my decision in this case, herewith transmitted, be affirmed.

Respectfully,

(signed) Tams Bixby,

Commissioner.

Through the

Commissioner of Indian Affairs.

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COPY.

Cherokee Freedmen

R-40, et al.

Muskogee, Indian Territory, September 26, 1905.

Ellis & Dulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 26, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED). Tams Bixby.

Commissioner.

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Cherokee Freedmen

S-49, et al.

COPY.

Muskogee, Indian Territory, September 26, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

LS
Incl. S-49

Cherokee Freedman

COPY.

R-201.

Muskogee, Indian Territory, September 26, 1905.

Thomas Daniels,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED.

Tams Bixby.

Commissioner.

LS
Incl. S-41
Register

Cherokee Freedmen

R-391.

COPY.

Muskogee, Indian Territory, September 26, 1905.

Thomas Daniels,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Commissioner.

LS
Incl. S-41
Register

Muskogee, Indian Territory, October 18, 1908

The Honorable,

The Secretary of the Interior.

Sir:

On September 22, 1908, there was transmitted to the Department the record of proceedings had in the consolidated case of Darrell Daniels, et al., Cherokee Freedmen R 40, et al., wherein, in its decision rendered on said date, this office found that the said Darrell Daniels, et al, possessed no rights to Cherokee freedmen citizenship. Said letter set forth the views of this office relative to the law applicable in determining the rights of said applicants to enrollment as Cherokee freedmen.

I now have the honor to direct your attention to certain proceedings had before the Court of Claims, in the case of Charles Journeycake, et al., v. the Cherokee Nation, et al., 31 C. of Cls. 40, and which are considered pertinent to the position taken by this office, and material in

determining the rights to Cherokee citizenship of the above indicated applicants.

"CHARLES JOURNEYCAKE, PRINCIPAL CHIEF, v. THE CHEROKEE NATION ET AL.
JOHNSON BLACKFEATHER, PRINCIPAL CHIEF, v. THE SAME.
MORRIS WHITMIRE, TRUSTEE, v. THE SAME.
(Nos. 16837, 16857, 17209. Decided January 27, 1896)"

"On complainants' Motions."

"V. .. .. .

"Court of Claims,
Washington, February 18, 1896.

Hon. Daniel M. Browning,
Commissioner of Indian Affairs.

Sir: The court is informed that the Commissioner of Indian Affairs desires its opinion in regard to the fifth of the proposed instructions referred for the consideration of the Secretary of the Interior February 15, 1896.

"The decree in this case follows and refers to Article IX of the treaty with the Cherokee Nation, July 19, 1866, and the persons therein designated are the complainants in this case, entitled to payment under the decree."

Syllabus.

"The court is of the opinion that the clauses in that article in these words, 'And are now residents therein, or who may return within six months, and their descendants,' were intended, for the protection of the Cherokee Nation, as a limitation upon the number of persons who might avail themselves of the provisions of the treaty; and consequently that they refer to both the freedmen and the free colored persons previously named in the article. That is to say, freedmen and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

"The court is also of the opinion that this period of six months extends from the date of the promulgation of the treaty, August 11, 1866, and consequently did not expire until February 11, 1867."

"Wm. A. Richardson,
"Chief Justice."

The foregoing is a part of the proceedings had in the case of Moses Whitmire, Trustee, etc., v. the Cherokee Nation et al., and is the interpretation of the Court

of Claims placed upon its decree in said Whitmire case, rendered on February 3, 1896, hence, in legal effect, is a part of said decree.

Paragraph II, Section 21, of an Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

> "It (the Commission) shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

Said Paragraph II, above quoted, is the jurisdictional act under which this office is making a roll of Cherokee freedmen, and it is respectfully submitted that in view of the foregoing, neither this office nor the Department, has authority to grant the application for the enrollment as a Cherokee Freedman of any one who can not show that he, or, in case of one who claims as a descendant, that the ancestor through whom he obtains his right to Cherokee Freedman citizenship, was actually residing in the Cherokee Nation on August 11, 1866, or established a residence in said Nation within six months thereafter.

It is respectfully requested that this letter be

Secretary and.

made supplemental to, and considered as a part of the record in, the proceedings had in the case of Murrell Daniels, et al., applicants for enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs. Commissioner.

kwz

(COPY)
WCP

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.
WASHINGTON.

118-19 06.
I.T.D.

February 27, 1907

The Secretary

of the Interior,

Sir:

You referred the papers relating to the application of Burrell Daniels et al., for enrollment as Cherokee freedmen, for opinion concerning questions of law presented by the Commissioner to the Five Civilized Tribes.

This case has been under consideration at various times and in opinion of May 9, 1905, it was recommended that the decision of the Commission to the Five Civilized Tribes, adverse to applicants, be vacated, "and the case readjudicated under the removal or expatraition provisionof the Cherokee constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation." The case was returned to the Commissioner of the Five Civilized Tribes and further hearing was had. The facts developed are substantially that Daniels and other negroes, formerly slaves of Cherokees, at about the close of the civil war were taken out of the Cherokee Nation and to Mexico where they were held under the peonage law of that country until about 1872 when they were returned to this country. Daniels

remained at San Antonio and other places in Texas until about 1884 when he returned to the Indian Territory. He claims that he was not before that time able to save enough to carry him to his former home although it was always his desire and intention to so return. Upon his return he stopped at Muskogee in the Creek Nation and the date when he actually entered the Cherokee territory is not clearly shown.

The Commissioner of the Five Civilized Tribes held that Daniels was not entitled to enrollment. The Indian Office was of opinion that Daniels and others with him did not use diligence in returning to Indian Territory and are not entitled to enrollment:

The act of April 26, 1906 (34 Stat., 137) provides:

> The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six; or who actually returned and established such residence in the Cherokee Nation on or before February eleventh eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes, or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.

Upon the theory that Daniels' departure from the Cherokee Nation was not voluntary it might be held that notwithstanding his removal he still held a legal residence in the Nation. Evidently, something more than constructive legal resi-

cause was contemplated by the act of 1906. It had previously been held that one who had a constructive residence in the Nation, August 11, 1866, was within the terms of the treaty of July 19, 1866 (14 Stat. 799), which provided that freedmen and free colored persons "who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees." If it had been intended that this ruling should continue to control there would have been no necessity for further legislation on the subject. The only possible conclusion is that it was intended by the act of 1906 to change existing law as construed and to provide some different and stricter rule to guide in the enrollment of Cherokee freedmen. Evidently, it was intended to require something more than constructive residence. Under the new rule one, to entitle himself to enrollment as a Cherokee freedman, must show that he was actually not constructively residing in the nation August 11, 1866, or that he returned and established in person an actual residence within six months from that date or that he is a descendant of some person who had met these requirements. When this rule is applied to the applicants it seems clear that they can not be enrolled in spite of any equities they may have in the premises.

Nor are they saved by the qualifying clause. While they have met the condition of having made application they have

not been adjudged entitled to enrollment by the Secretary of the Interior.

I am of opinion, and so advise you, that the provision of the act approved April 26, 1906 prevents the enrollment of these applicants.

The papers are herewith.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved:

February 27, 1907,

E. A. Hitchcock,

Secretary.

[illegible]

[illegible] [illegible] [illegible] [illegible]

DEPARTMENT OF THE INTERIOR,

[illegible]

[illegible]

February 24, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of February 27, 1907 approved the same day, in the matter of the application of Purvill Daniels et al., for enrollment as freedmen.

In accordance with said opinion the application is denied.

The papers in the case have been transmitted to the Indian Office, with a copy hereof.

Respectfully,

(Signed) James R. Wilson,

Assistant Secretary.

1 Enc. and 11 Encs.

For Ind. Off.

A P WG

2-2-07

Cherokee F.
R 40 et al.

COPY

Muskogee, Indian Territory, March 13, 1907.

William M. Cravens,
Attorney for Burrell Daniels, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.H-25
JMH

Cherokee F.
R 40, et al.

COPY

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Darrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl.H-26
JEH

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
R 391

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 13, 1908.

Thomas Daniels,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of yourself, children and grandchild, as Cherokee freedmen, was denied, among others, by the Secretary of the Interior, February 28, 1907.

Respectfully,

JMM

Commissioner.

Department of the Inter
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED MAR 26 1904 MUSKOGEE

RETURN TO WRITE Postmaster Name From MUSKOGEE, I.T.

Mr. Thomas Daniels,

Muskogee, Indian Territory.

5378

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED JAN 23 1904 MUSKOGEE IND. TER.

JAN 20 1904

Thomas Daniels,

Muskogee, Indian Territory.

FEB 27 1904

MUSKOGEE, IND. TER.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
MAR 16
3-PM
1902

Thomas Daniels,
Muskogee, Indian Territory.

RECEIVED
FROM
MUSKOGEE
IND. T.

MAR 22
4 PM
IND. T.

FR 391

FR 391

Department of the Interior
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

UNCLAIMED.

HIAWATHA
JUN 17
1905

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

JUN
17
1905
REGISTERED.

Opened by mistake by
Thomas Daniels
HIAWATHA, KANSAS.

Thomas Daniels,
Muskogee, Ind. Ter.

Check Date

See Class H. B.

will be refused and they will be rejected.

= = = = = = = = = = = =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 13th of November, 1901.

Commissioner.

NOV 15 1901

File with the case of Mack Daniels, S. F. D. 1888.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 14th 1891.

In the matter of the application of Burrell Daniels for the enrollment of himself and wife and one child as Cherokee Freedmen. He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q What is your age? A About 70.
Q What is your post office address? A Talala.
Q What distance do you live in? A [illegible]
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized as a Cherokee Freedman by the Cherokee authorities? A (No response)
Q Is your name on any of the Cherokee rolls? A Yes sir.
Q Who is it that you desire to have enrolled besides yourself? A My wife and children.
Q What is your wife's name? A Minerva.
Q How many children have you under twenty-one? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 30.
Q About how old is your wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No sir but it is on the Wallace roll and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand river, west of Vinita.
Q Were your slave? A Yes sir.
Q What was your owners name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes sir.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q When did you return from the Choctaw Nation to the Cherokee Nation?
A They taken a bunch of us and went to Mexico.
Q How long did you stay there? A Five or six years, in Mexico on a ranche and one year with a few from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I don't know how long, I was working my way back from place to place, didn't have any means of getting back and had to work my way.
Q When did you get back to the Cherokee Nation? A I don't remember exactly the date, but I got back here when Mr. Bushyhead was Chief. I got back when the Cherokee Council was in session and I applied to the Council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Gus Ivey and some others took it up and it passed all the Council excepting the full bloods and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the Council excepting the full bloods and they did not wait for them and Council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Nation.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes sir.
Q Did she come back with you? A Yes sir.
Q Where was Robert born? A He was born in San Antonio.
Q How old was he when he came to the Cherokee Nation? A Dont know exactly, he was just a little kit of a kid though.

Q Was he with you all the time? A Yes sir.
Q Did he come back with you? A Yes sir.

EDGAR SMITH, attorney for the applicant, continues examination:

Q State just how you happened to be taken to Mexico at the close of the war instead of coming back to the Cherokee Nation? A Well it was just this way: when the war ended and we were going to come back here, General Cooper ordered Col. Bryant to turn over all his teams and he refused to do it and he then gathered up a bunch of us colored people and started south with them and we got in to Texas and there were camped on the plains and rounded up a bunch of about fifteen hundred head of cattle and went on to the Rio Grande river, and before he crossed over into Mexico he made us all get in line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves who was set free did not owe their old masters anything; but he drewed it up in writing and made us all sign it and then we went into Mexico and there the Mexican government didn't have any law as old " Maxamillian" was in power then, and they had a law called the Peon law and they peoned me out to a Mexican. The Mexican governor----------gave $113.00 for me and I worked for him on a ranche for several years until a Jew fellow who had come from New York came round there and said that his wife was used to colored people and wanted one for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him, and he was living in Chihuahua and I was taken there and cooked for him for a year. The Governor of Chihuahua was named Don Terasse, he was the man who had me peoned and the Jew paid us out from him. They taken us to Chihuahua the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. Bryant and there was some people there who taken our part and put it into court and we staid in court a week but the Mexicans had no law there anymore as old "Maximilliam" was there and in power and they said that if we had been there sooner that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and then Gen. Grant sent them two officers down there in regard to relieving us and they took us away and they went from ~~there~~ Chihuahua to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would shoe so many mules for them and when we got to a certain place across the Rio Grande called_____they left us and I went on to San Antonio. When the troops left us I asked them by much I owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed me $30.00 and then I went on to San Antonio with my family.
Q And the officers brought you into Texas and turned you lose and you went on to San Antonio? A Yes sir.
Q And you say you worked in San Antonio several years before coming on to the Cherokee Nation? A Yes sir.
Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work your way to the Cherokee Nation?
A Yes sir, I was taken down there by Col. Bryant and peoned out to Don Lewis Terrasso the Governor of Chihuahua.
Q And that is the reason that you did not come back to the Territory?
A Yes sir.
Q Were you a slave during the war, or before the war? A Yes sir, I was before the war, and during the war was a teamster and cook in the Confederate army.

Q So it was some years after the Surrender that you got back to the Indian Territory? A Yes sir; I found my mother here on the river when I got back. I came back when Bushyhead was Chief.

By W. W. Hastings, Cherokee Representative:

Q About what year was it that you came from Mexico to San Antonio?
A I dont know.
Q You stated that you staid in San Antonio several years? A Yes sir
Q How many? A Five or six years on a ranche in Mexico.
Q Then you were in Mexico after the war for five or six years? A Yes sir.
Q I believe that you testified that you come back to the Cherokee Nation when Mr, Bushyhead was chief? A Yes sir.
Q Then for five or six years after the war you were in Mexico and then you went to Texas and staid there several years before coming on back here? A Yes sir I worked in San Antonio several years before I came back here.

By Edgar Smith:

Q State more fully at what time you were taken to Mexico and by whom that was done. A When we got there in Mexico he—
Q Who? A.Col Bryant,was camped about a mile from the city of Chihuahua and was selling off the colered people to pay what he said we owed him. He was letting little girls go for $30.oo each and when I saw it I walked away and went into the city and he had me arrested and there were some people there who taken our part and took it into court and we staid in court about a wekk, and at that time old " Maximillian " and his French was in power and the Mexican Government had no laws and then peoned us all out to pay that claim and the Governor of the State of Chihuahua said that he would pay $113.oo for me and he paid it to him (Q. Who paid it to who? A. The Mexican Governor to Col. Bryant) Col. Bryant said that me and my family owed him $500.oo and the Governor of Chihuahua paid him $113.oo and we worked on his ranche.
Q Did you owe him anything? A Not a cent.
Q But you were sold to the Mexican Governor for $113.oo and worked for him on his ranche? A Yes sir.
Q How long did you work on that ranche? A Five or six years.
Q You say Gen. Grant took you out? A Yes sir sent two officers to take us out.
Q How much money did you have when you left Mexico? A Didn't have any
Q Why didn.t you come back to the Indian Territory right away after you left Mexico? A Well I got to San Antonio and had to work there to get on as I did not have any money and had a large family.

By Commissioner Needles.

Q How long did you stay in Texas? A Dont know how long, worked in San Antonio several years.

The Kern-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows:
page 181 No 4453,Burrell Daniels, Creek Nation.
~~page 181 No 4457 Robert Daniels Creek Nation.~~

By Com'r Needles- The name of Burrell Daniels is not found on the authenticated roll of 1880 or the census roll of 1896, but his name is on the Kern Clifton pay roll of 1894;the name of his wife Miranda is not found on any of the rolls in the possession of the Commission. The name of his son, Robert is found on the Kern Clifton roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment as Cherokee Freedmen and that of his wife and son,

[illegible]

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 31st, 1901.

In the matter of the application of Ella Daniels for the enrollment of her child, MADY DANIELS, as a Cherokee Freedman; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ella Daniels.
Q How old are you? A 25.
Q What is your post office? A Vinita.
Q What district do you live in? A This district.
Q Do you live at Vinita? A I live on Grand river.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Mack Daniels.
Q Do you apply to be enrolled as a Cherokee Freedman? A Just a child.
Q Have you been enrolled yourself? A No, sir.
Q Who do you want to enroll now, a child? A Yes, sir.
Q Your child? A Yes, sir.
Q Why don't you apply for enrollment yourself, what is the matter? A I don't belong to this Nation.
Q Is your husband living? A Yes, sir.
Q Where is he? A He is in the Creek Nation some place. I don't know where he is.
Q Is he a Creek? A No, sir, he is a Cherokee, but he just goes down there; he lives out west of Talala.
Q What is his name? A Mack Daniels.
Q Is his name on the roll of 1880? A Yes, sir.
Q How old is he? A I don't know exactly how old he is.
Q You are not a citizen you say? A No, sir.
Q What is the child's name? A Mady.
Q How old is Mady? A She is going on five years old.
Q Are you married to Mack Daniels? A Yes, sir.
Q Have you a certificate of marriage? A Yes, sir.
Q Please let me look at it? A I don't got it here.
Q Have you got it? A I have got it at home.
Q Are you and your husband living together? A No, sir.
Q How long have you been separated? A Pretty near two years.
Q Have a divorce? A No, sir.
Q Where was this Mady born? A In Muskogee.
Q Were you and Mack Daniels living together at Muskogee at that time? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's husband's name not found thereon.

Q What proof have you of your husband's citizenship? A Rely knows their citizenship.

Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's husband found thereon, page 181, #4455, Mack Daniels, district given as "Creek Nation."

Q Now, have you got any testimony that you want to offer as to his citizenship? (No response.)

COM'R NEEDLES:--Ella Daniels applies for the enrollment of her child, Mady. She avers that she is married to one Mack Daniels and presents no satisfactory proof of marriage. She avers that she has a marriage certificate and it will be necessary for her to file the same with this Commission. It will also be necessary for her to file with this Commission satisfactory proof of brith of her child, Mady, for which she applies. She avers that she is a non-citizen but that her husband, Mack Daniels, is a citizen. His name is not

found upon the authenticated roll of 1880 but is found and identified upon the Kerns-Clifton pay roll according to the page and number as indicated in the testimony. Byreason of the fact that the name of Mack Daniels, the husband is said Ellen Daniels, whom she avers if the father of her child, is not found upon the authenticated roll of 1880 and no satisfactory proof is made as to his citizenship, the said Mady Daniels will be listed for enrollment as a Cherokee Freedman upon a doubtful card for the further consideration of the Commission, awaiting proof of citizenship of its father, proof of marriage between said child's father and mother, Ella Daniels, and proof of birth, the name of the said child not appearing upon any of the rolls of the Cherokee Nation.

-----oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 24th day of May, 1901.

C. R. Breckinridge

Commissioner.

FEB 26 1932
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE O. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A George O. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 35 years, or 36; well 33 years I guess, since 1868, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1863, and the next year would be 1864? A Well 1864 then.

Mr. Mellette: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1864, in November, during the council.

Q What was he doing there at that time? A He came there to be readmitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for readmission? A Yes, sir, I wrote it out, had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record; I am going to object to further examination along that line.

Commission: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mellette will insist on going on.

Mr. Mellette: I think the fact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commission: This testimony will be filed in the following cases: R-40, D-861, D-916, D-917, and D-941.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of September, 1901.

[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita I.T. October 25th 1901.

In the matter of the application of Mack Daniels for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Com'r T.B.Needles, testified as follows:

Q What is your name? A Mack Daniels.
Q What is your age? A 25.
Q What is your post office address? A Talala.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled besides yourself?
A One girl.
Q What is her name? A Mady.
Q How old is she ?A Six years.
Q Are you married? A Yes sir.
Q What is your wife's name? A Ella.
Q Is she a citizen? A No, sir.
Q Non citizen? A Yes sir.
Q Have you any proof of marriage to her? A No sir, not here.
Q Is this child living now? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Wallace and Kerns.
Q What is your father's name? A Burrell Daniels.
Q Is he living? A Yes sir.
Q What is your mothers name? A Mary.
Q Is she living? A Yes sir.
Q Is your father a citizen of the Cherokee Nation? A Yes sir.
Q Is his name on the 1880 roll? A I don't know.
Q Is your mother a citizen?A Yes sir.
Q Is her name on the 1880 roll? A I dont know.
Q Do you claim citizenship through your father or mother? A Both.
Q Where were you born? A In Texas.
Q Your father and mother were living in Texas when you were born?
A Yes, sir.
Q When did you come from Texas to the Cherokee Nation. A When I was a little boy?
Q Been living in the Cherokee Nation ever since? A Yes sir, ever since I have been knowing myself.

Kern Clifton roll examined and the name of the applicant found as follows: page 181 No. 4455 Mack Daniels Creek Nation.
Applicant not found on the 1880 or 1896 rolls.
Wallace roll examined and the applicant found as follows: page 109 No. 3317 Mack Daniels, Creek Nation.

Q You say you were a child when you came here? A Yes sir.

BY COM'R NEEDLES: Mack Daniels applies for himself and one child, Mady; he avers that he married to one Ella Daniels a non citizen and does not apply for her. He avers that he is the child of Burrell and Mary Daniels, and the said Burrell Daniels is listed on Cherokee Freedman R. card #40. He claims his citizenship both through his father and mother and the testimony taken in the application of his father and mother, Burrell and Mary Daniels on C.F.R. card #40 will be made a part of the record in this case and copies of same filed herewith. The name of this child, Mady, is not found on any of the rolls of the Cherokee Nation. He is identified on the Wallace and Kern Clifton rolls according to the page and number

indicated in the testimony. Because of the facts set forth in the testimony that he was a minor when his father and mother returned to the Chero kee Nation, he and his child will be listed as Cherokee freedmen upon a doubtful card, the only question being as to his rights according by reason of the fact that he returned to the Cherokee Nation during his minority. It will be necessary for him to make satisfactory proof of the birth of his child Nady as well as of his marriage to his wife Ellen.

---oooOOOooo---

Chas. VanWeise being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes, thereto.

(Signed) Chas. VanWeise.

Subscribed and sworn to before me this the 5th day of November 1901.

(Signed) T. B. Needles,

Commissioner.

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing and that the same is a true and complete copy of the original transcript.

Edith Lewis

Subscribed and sworn to before me this 5th day of July, 1909

My Commission Expires February 15th 1909.

Notary Public.

I, the undersigned, being duly sworn, as stenographer to the Commission to the Five Civilized Tribes do hereby swear that the-s-- I made the above and foregoing copy and that the same is atrue and correct copy of the original transcript.

Frances Litzgit

Subscribed and sworn to before me this 8th day of August, 1905.

[illegible]

AUG 8 1905
RECEIVED
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

To be filed with F-D-1101- Burrell H. Daniels.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. May 17, 1902.

In the matter of the application ~~for the enrollment~~ of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.
SUPPLEMENTAL TO R-40.

APPEARANCES:
Mellette, Smith & Cravens, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be atrue and correct copy of so much of the Wallace roll made by J. W. Wallace as shows the enrollment of Andrew Daniels and family as Cherokee Freedmen and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19,1888, Also certified copy of that part of the ~~Wallace-roll~~ J. W. Wallace roll as showsthe enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicants offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in theoffice of the Secretary of the Interior, as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified beforethe Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June,1902.

(SEAL)

(Signed) P. G. Reuter.
Notary Public.

I, the undersigned, being duly sworn, as stenographer to the Commission to the [illegible] I [illegible] do hereby swear that one I made the above and [illegible] copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 5th day of [illegible]

[illegible]

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CR 392

FILED
JUN 26 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT DIVISION.
MUSKOGEE, I. T., JUNE 6, 1905.

Cherokee Freedman R-40 et al.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee freedmen, consolidating the applications of

Burrell Daniels et al----------C. F #- 40
Andrew Daniels et al.----------C F D-861--R-395.
Lizzie Shaffer et al.----------C F D-916--R-396.
Mary Hill et al.----------C F D-917--R-394.
Lizzie Haynes et al.----------C F D-941--R-393.
Mack Daniels et al.----------C F D-1060-R-392.
Thomas Daniels et al.----------C F D-1100-R-391.
Burrell H. Daniels et al.----------C F D-1101-R-390.

APPEARANCES:
For the applicants, Blue & Bulger.
For the Cherokee Nation: W. W. Hastings and J.S.Davenport.

It appears from the records of the Commission that on January 18, 1904, the Commission rendered its decision in the matter of the above applications denying the applications. That on January 19, 1904, the record in the matter of these applications was forwarded to the Department and the action of the Commission was approved by the Secretary of the Interior on June 24, 1904. It further appears that on May 13, 1905, the decision of the Department affirming the decision of the Commission was remanded and the record and the papers returned with a request that a rehearing be had in the matter. Now on this day pursuant to notice the applicants herein appear both in person and by their attorneys, Blue & Bulger of Vinita, I. T., the Cherokee Nation represented by W. W. Hastings, one of the attorneys ofthe Nation.

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The following testimony was introduced on behalf of the Cherokee Nation.

R. W. LINDSAY, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A R. W. Lindsay.
Q What is your post office? A Choteau, Indian Territory.
By MR. HASTINGS:
Q What is your age? A 73.
Q What is your postoffice? A. Chpteau.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q Were you married when the war came up? A. Yes sir.

Q To whom were you married? A Mariah Bryant.
Q Who was her father? A Joel M. Bryant.
Q Was he commonly known as Colonel Bryant? A Yes sir.
Q Did you know the applicant, Burrell Daniels, before or during the war? A I knew him during the war.
Q I mean the applicant here? A Yes sir, I knew him as good as anybody.
Q Where did you first know him? A Well I have seen him the first to know him was at out six miles east of Van Buren inArkansas.
Q When was that? A About October, 1862.
Q In whose family was he at that time? A. Col Bryant, his property at that time.
Q Did he own him at that time? A Yes sir.
Q Did Burrell Daniels have a wife then? A Yes sir.
Q Do you remember what her name was? A Yes sir, Miranda.
Q Did they have some children? A Yes sir.
Q Do you remember how many? A Lets see, I can recollect the names of Lewis, Nancy, and Abe, there were about five to the best of my knowledge, but they have all died except one or two.
Q To whom did Miranda and the members of the Burrell's family belong? A Col. J. M. Bryant.
Q That was in October, 1862? A Yes sir.
Q Where did Col. Bryant's family go during the war? A They went from that place for a little while close to Danville, Ark. for a few months, and then went south to Red River ten miles east of Doaksville, Choctaw Nation, one year, and then removed from there to a point 17 miles southwest of Doaksville in the Choctaw Nation.
Q Where were they at the close of the war? A They were at this place 17 miles southwest of Doaksville in the Choctaw Nation.
Q Did they subsequently remove to Texas? A Yes sir.
Q Just go ahead and make a statement? A I was in the army and was travelling under the orders from Shreveport to report to General Cooper, commanding the division of the Indian Territory, C. S. A. and when I got to Paris I heard from a party there that Col. Bryant's family had removed across the Red River, and I went there and met them there and Burrell Daniels was there with them.
Q When was that? A In the early part of May, ~~the~~ 1865.
Q Where did Col. Bryant and where did you go from there? A I don't recollect the distance but it must be 40 or 50 miles up Red River to Warren where Col. Bryant joined us there.
Q Where did you go from Warren Texas? A We started from there and went to Chihuahua, Mexico.
Q Was Burrell~~XX~~ Danils with Col. Bryant's family at Warren, Texas?
A Yes sir.
Q Now tell of the circumstances of Col. Bryant's going to Mexico and of his taking this family with him? A He went to Mexico and this family of Burrell's and another family of negroes, 5 or 6 in number, he taken them along with him, they all went together.
Q Did he force these people to go with him?

Mr. Blue: I don't think that is competent, I think that is a conclusion rather than a statement of facts. I think he ought to state the facts and not undertake to give conclusions.

A No sir, he didn't force them.

Q Now tell about it? A As I understand it was entirely amicable, I didn't hear of any objection at all, Burrell and his wife, Miranda were very confidential servants you may say, it was their matters and they went along freely as I expect he ever did anything in his life, as I understand they were to go with them to Mexico.
Q What was Col. Bryant intention of going to Mexico at that time?
A Well it was just after the war and things were so that he had to go some place, as a good many called it to get out of the way of the Yankees.
Q Were these parties compelled to go? A No sir, they stopped at a place I think 210 miles northeast of the Rio Grande, where we stopped and liberated the slaves and rested for several days, and Mr. Bryant made a contract with Burrell and I think maybe his wife, that when they got over into Mexico they were to work and pay the transportation, and I think maybe the amoung was fixed, I am not certain about that, and then when we got to the City of Chihuahua, and after awhile we moved down three miles east of Chihuahua, and we had been there a few weeks when Burrell taken up his family and skipped off into the City from the camps where we camped at, and Mr. Bryant come there and found him in the city, and he brought suit against him before the the court there, and he got judgment, I don't recollect the amount of the judgment though.
Q What did he bring suit for? A On account of the contract for services, he brought suit there for the money or for the services he agreed to pay him.
Q For what money? A For transportation under this contract entered into at Fort Stoeton. He got the judgment and of course that would compel the services or the money, I don't know what the amount of the money was, but Governor Terasso, Lewis Terasso paid the money and then, under the laws there, of course, Daniels became a subject to him for the amount of money to satisfy that judgment.
Q Then this contarct that was entered into was to pay for the transportation of Burrell Daniels and the members of his family from where they had previously started ever into Mexico? A. Yes sir that was it.
Q And you say Bryant got judgment for some amount buty don't know the exact amount? A No sir not the exact amount.
Q Burrell Daniel's has testified the amount is $113.00, do you remember about that? A I don't recollect the amount, I have heard them speak about it.
Q You say that Lewis Terasso paid the judgment? A Yes sir, paid the judgment.
Q And that ended BurrellIs connection with the family? A Yes sir
Q Was that in 1865? A Yes sir, that was '65, about September, 1865.
Q About how long did you stay after that? A About ~~XXX~~two years.
Q You and did Col. Bryant stay there two years after that? A Yes sir we came back together.
Q Did you ever see Burrell Daniels here after that time? A No sir not until 1888, I saw him in Tahlequah, I saw his oldest son frequently.
~~Q When did you say you saw him here? A. In 1888.~~
Q You don(t know just exactly when that was, when he returned?
A. No sir.

BY MR. BLUE:
Q You say you were a son-in-law of Col. Joel Bryant? A Yes sir

Q Was Bryant a Colonel in the Confederate Army? A. Yes sir.
Q Was he in command of a confederate force in 1865? A. Up until about may in 1865 I think everything went to pieces about that time.
Q Was he ordered to turn in? A I wasn't with him, I did what I was ordered to do and I met his family and mine and we went up above, I don't know anything about that. The equipage he had was perhaps his own, men these times furnished according to his own skillet.
Q Were you with Bryant in 1865? A No sir just met him at Warren, Texas.
Q In what year? A '65
Q And who was with him at that time? A When I first met him there were two young men, one by the name of Lem Smith and Joe Bennett.
Q I mean what companies he had? A No companies, these two men were the only ones. Afterwards two other parties came in that belonged to his commands. These were all he had, no one but these two when he came down from Washita of his command, didn't have any command then, they had disbanded.
Q What was Bryant doing down in that part of the country at that time? A He came from Washita to meet his family and fixed up to go to Mexico.
Q What was his object in going to Mexico? A. I said to get away from the Yankees.
Q Was it customary for the Yankees to make it unsafe for the confederates? A I don't know, we didn't know at that time.
Q You were going away from the Yankees and there wasn't any there? A That is my idea, I couldn't tell any other idea.
Q Thenyou went from there to the City of Chihuahua? A. Yes sir.
Q And was this Burrell Daniels and his family the only colored people with you? A. No sir, there was another family about 5 or 6 I think.
Q Were they trying to get away from the Yankees too? A I couldnt tell what their motives were. They were old family slaves except two.
Q They were slaves of Joel Bryant then? A Yes sir, and you dont know or anybody else how close old slaves would be to us during those days.
Q You say Burrell Daniels was with Joel Bryant in 1862 in Arkansas? A Yes sir, that was when I first met them, in August, 1862, I think Joel Bryant bought him from Thompson out here just a little ways east of here, I only heard of them speaking of the transaction.
Q You don't know it? A No sir, only heard it but I know they were up that way.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir.
Q Do you know from whom Johnson had bought Burrells? A From Robert Daniels.
Q What part of the Territory did Johnson live in in 1862? A Johnson lived on his place, it was about ten miles little southeast of where Vinita is now, and Robert Daniels lived on the Texas road just north of him.
Q Where did Johnson Thompson go then? A He had gone to the Choctaw Nation; I could see him around and I think he was a Commissary perhaps in the first Cherokee regiment. I frequently saw him on the trail sometimes we had a good night sleeps and sometimes we would be running.

Q Was that first Cherokee Regiment a Confederate force? A Yes sir that was the one, there was a first Cherokee regiment and there was a second Cherokee regiment.
Q What was the number of Col. Bryant's regiment? A I don't recollect, I wasn't with his regiment, I was with a different command all together, that has been a long time ago and I have forgotten it.
Q Did Johnson Thompson at this time have any other slaves except Burrell Daniels? A Yes sir considerable.
Q Did he move those with him? A I don't know they were with the family, his family went to Red River, I expect they went there in 1862.
Q About the same time that Daniels went at the Choctaw Nation?
A About the same time he moved down he was moving when they made the deal out here at a little spring close to Frozen Lake.
Q Do you know why they went to the Choctaw Nation? A Yes sir.
Q Why? A The Yankees were in it again.
Q Do you know that Burrell Daniels was sold by Johnson Thompson to Col. Bryant? A Well I know just only from heresay, the old man Bryant said he had bought him from Thompson, and I think Thompson had brough him from Daniels.
Q Was it not customary in these times for a slave owner to put his slaves with some army officer for protection? A Not then, no sir, not until things--- we held the ground, it was all our way then.
Q What time of the year was that? A That was during the summer of 1862. I said it was about August when they made this trade.
Q In the latter part of August you made this trade, didn't the northern forces come down here and wasn't John Ross and family north with them? A They had previously to that time, but they got away rapidly, we were master of all we surveyed then, but I say we didn't hold it long.
Q If you were monarch of all your surveys here why did you go sou south? A We took a good stand, and made a good run.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Are you enrolled as such? A Yes sir.
Q How long have you lived in the Cherokee Nation? A You count from the 2nd day of November 1859 up to this day.
Q From what place did you come to the Cherokee Nation? A From Kansas City, Missouri.
Q Are you a Cherokee by blood? A No sir, by marriage
Q Then you were here or hereabouts all the time of the war until in 1865 when you started to old Mexico? A Yes sir.
Q And you were with General Cooper, if I understand you? A Yes sir.
Q What regiment? A Second Cherokee regiment two years, and I was with the artillery the last of the war.
Q When Col. Bryant started from this place was it his intention of going to old Mexico? A Yes sir that was it.
Q How many people were they with Col. Bryant at the time he started to Mexico? A Besides his own family, I don't think there was over, at that time, ten more men. There were several more than members of his family, I would say a dozen at the outside.
Q Did he have some young boys? A He had only one son.
Q Was there any others? A One boy started with him and then way down about Waco another boy come in.
Q How did you travel from going from this place in Texas to Mexico? A We travelled in wagons.

Q Some on horse back I suppose? A. Some on horse back, a few.
Q How did you subsist in going through that country? A We had beef cattle, some milk cows they had that the family was using I think and traded for.
Q About what sized herd? A Not very large butbI would say 30 or 40 head perhaps, it wasn't a big herd, small
Q And you took them along to subsist on? A Yes sir.
Q Was that stock of the family or was it property of a party for all? A No sir they were Bryant's property, he footed the bill.
Q While in travelling from Warren, Texas, did you go by an old travelled route or otherwise? A We travelled the usual travelled route.
Q Did you find any Yankees in the way out there? A Not a single Yankee.
Q From Waco did you take the usually travelled route? A Yes sir, until we got to San Babán, and then it was the other route, we went to Belton, and we passed Yoapusa and Sansaba, and then we took a little by way to Fort Stocton.
Q After you heard that the Yankees were in that vicinity you didn't travel the route usually used? A No sir the Yankees were not in that vicinity, they were down to Houston.
Q Now this old Fort Stockton, how near was that from the divide? A It was 210 miles to the best of my recollection.
Q Your recollection is it was 220 miles from Fort Stocton? A Yes sir that is my best recollection.
Q That was the last stopping place so to speak until you got down to Presidio? A It was 122 miles to Presidio.
Q What I wish to know, from the time you left Fort Stockton until you got down in the vicinity of Presidio did you fine any other stopping place? A No sir that was the first stopping place.
Q Was that a settled country? A No settlement at all.
Q Was it an arid place during these days? A Yes sir.
Q You came through to this Cotton Wood Spring and there you stopped for a time? A Yes sir.
Q About how long before you went on? A Perhaps it was six days.
Q Then you crossed into old Mexico? A Yes sir.
Q After you got into old Mexico you remained there how long?
A Two years.
Q Now isn't it a fact that Col. Bryant took judgment against other colored people that was with him? A No sir only Burrell and his family.
Q Do you know anything about how Burrell Daniels got out of Mexico? A No sir didn't see him any more after he left the camps there.
Q You spoke of seeing his eldest son? A Yes sir.
Q That was really a peonage son too? A Yes sir.
Q As a matter of fact there was no such thing as slavery there as it was in the United States? A No sir it was a contract you see.
Q Simply sell into bondage until the debt was extinguished? A Yes sir that was of it, if necessary I can briefly ~~EX~~ state it, that if you make a contract with a man he could work it out. You know what peon mean, it means just servitude of labor it w as under a contract for a debt.
Q As I understand it under that contract they were sold into slavery until the debt was extinguished, if it wasn't paid. A No sir, I beg your pardon, you cou d compel him to make that servitude or get the money and pay you.

Q New at the time you got there into Mexico, as you have stated, what government was in power then, the Mexican Government or the Government of Maximillian? A Maximillian.
Q During the time you remained there what government was in power? A Most all the time Maximillian, about the time we left there the Maximillian government was overthrown, just a little while before we left.
Q Was the government changed back to the Mexican control before you left? A Yes sir.
Q Did either you or Col. Bryant while you were there in old Mexico participate in the government in any way? A No sir.
Q You and he were there simply as citizens and trying to live there? A Yes sir.
Q Did Col. Bryant return back to the United States after that? A Yes sir.
Q And you did also? A Yes sir.
Q Have you ever held and official position in the Cherokee Nation? A I have been a member of the National Senate in the Cherokee Nation.
Q Have you held any other official position? A No sir.
Q Have you been a member of the National Senate of the Cherokee Nation more than once? A Only once.
Q When was that? A It was in 1867 and '68.
Q Now I will ask you do you remember when Bushyhead was elected Chief? A The first time was '79 and the second time in '83.
Q Then he was Chief of the first election how long? A 4 years.
Q Reaching from what time? A '79 to '83.
Q How long was he chief the second time? A. 4 years.
Q Do you remember when he was inducted in office in 1883? A It was supposed to be about the first Monday in November, '83.
Q Then the term of that office would run 4 years? A Yes sir.
Q Was he chief of the Cherokee Nation any other terms than these two? A No sir, that was all.

BY MR. HASTINGS:
Q You and Col. Bryant then went to Mexico in 1865 with the intention of living there at that time? A Yes sir, that was the intention.
Q And you started from near Warren, Texas? A Yes sir.
Q Was Mr. Baugh, his other son-in-law with you? A Yes sir.
Q That is the other witness out here? A Yes sir.
Q And you say Burrell Daniels and his family went with you voluntarily? A Yes sir.
Q Was he compelled to go by Col. Bryant? A No sir.
Q Another family of slaves went with you at the same time? A Yes sir.
Q Were they compelled to go with you? A No sir, and he proposed to bring them back at the same time. They stayed with him the length of time working for themselves, and when he came back he told them he would bring them back with him.
Q They had a signed contract with him to pay for their transportation did they? A Yes sir.
Q After they got over to Chihuahua Burrell refused to comply with the terms of the contract? A Yes sir, that was about it, he left Mr. Bryant's ~~xxxxxxxxxxxx~~ services.
Q Left owing for this transportation? A Yes sir.
Q And as I understand you Mr. Bryant, in the proper courts down there, brought suit for this transportation? A Yes sir.
Q And he got judgment? A Yes sir.
Q And this Governor of Chihuahua, Lewis Terasse, paid off the judgment under Mexican law? A Yes sir.

Q And Col. Bryant had no more to do with it? A No sir.
Q What ever was done by Col. Bryant was done there in accordance with the Mexican law and the action of the courts? A Yes sir.
Q Col. Bryant never sold him into slavery or peonage, only got judgment against him? A That was it, under the law he could have held him until he got it.

BY MR. BLUE:
Q You started from this point in Texas you have stated as I recollect it, that it was in May, 1866, when you started to Mexico, what day in May? A. I couldn't recollect, I think it was in the early part of May, perhaps the middle.
Q Now as a matter of fact when you started these people were slaves of Col. Bryant? A Yes sir, they so considered.
Q Were they slaves when you went into Mexico? A, No sir, he had liberated them at Fort Stockton.
Q What was Burrell Daniels and his family doing during the time they were travelling, going through there? A Burrell was driving one of the teams, and his wife was cooking for Col. Bryant's family.
Q As a matter of fact Burrell and his wife were working for Col. Bryant? A Yes sir.
Q And did work for him up to Fort Stockton? when this contract was made? A Yes sir.
Q Now did Col. Bryant at that time pay Daniels and his wife anything for their services? A I would say not, my impression is that he didn't pay them anything.
Q This proceeding out there in Mexico by Col. Bryant by which this judgment was obtained, was it under the rule of Maximilliam? A Yes sir.
Q Did you or Col. Bryant, either one become citizens of Mexico? A No sir.

Q Did Col. Bryant take out any papers there? A No sir.

BY MR. HASTINGS:
Q Were you there on July 19, 1866? A Yes sir.
Q Was Col Bryant there? A Yes sir, I was there until '67.
Q What time did you leave there in 1867? A In the latter part of July, '67.
Q Did Col. Bryant also leave at that time? A Yes sir, we left together.
Q I believe you stated that Col Bryant didn't force either of these families to start with you from Warren to go to Mexico? A No sir he didn't.
MR. BLUE:
Q You also stated that Burrell Danils and his family were slaves at that time? A Yes sir.
BY THE COMMISSION:
Q Is Col. Bryant dead? A Yes sir.
Q When did he die? A About 1899 or 1900, I couldn't state which
Q Only about 8 years ago? A Yes sir, just about 8 years ago.
Q Where did he die? A Up there at Choteau.
Q How far is Stockton from Tahlequah? A It is a long ways.
Q What is your best judgment? A I would say about 800 miles.
Q Up until you reached Fort Stocton Burrell Daniels and his family were slaves? A Yes sir.
Q How many of those slaves that were liberated at that time returned to the Cherokee Nation at once, all of the slaves you had with you, did you take them all to Mexico? A About all, yes sir, I don't believe but two of them came back when we did.

Q Is it a fact that the slaves that you had at Warren were all with you still at Fort Stockton and they were still with you when you went into Mexico? A Yes sir.
Q And they were with you in Mexico? A Yes sir.
Q The party wasn't brokern up at all? A Not until we made a stay in Mexico.
Q Do you know how far Warren, Texas, is from Tahlequah? A It is a little more than 200 miles.
Q How far is Fort Stockton from Chihuahua? A It is about 400 miles.
Q How far is San Antonio from Tahlequah? A It is about 600 miles.

WITNESS EXCUSED.

J. N. BAUGH, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A J. N. Baugh.
Q What is your postoffice address at present? A Muskogee just at present.
Q How old are you Mr. Baugh? A I am 60 years old.

BY MR. HASTINGS:
Q When were you first married? A In 1884.
Q To whom were you married? A To Charlotte Bryant, Bryant's eldest daughter.
Q Was she the eldest daughter of Col. J. M. Bryant? A Yes sir.
Q You are a brother-in-law of Mr. Lindsey who just left the stand? A Yes sir.
Q Were you living near Col Bryant when the war came up? A Well yes I was, Bryant lived on the east side of the Grand River and I was most of my time,---Bryant lived on the west side of Grand River, I should have said, and the most of my time I was over in the hills near Spring Creek running some saw mills.
Q Do you know Burrell Daniels? A I used to know a negro by that name, I wouldn't recognize him now.
Q Did he have a wife named Miranda? A Yes sir he had a wife, I don't recollect what her name was.
Q When did you first know these colored people? A Well my recollection is pretty bad about the dates or anything of that kind.
Q Was it during the war or before the war? A It was during the war.
Q Where did you know them? A I knew them on Frog bayou I think first, or Duchess Creek.
Q Where was that, in what State? A In Arkansas.
Q Did they belong to Col. Bryant them? A They did.
Q Where did you know them, if you knew them at all just after the war? A Out on Red River in Fannin County near Denham in Texas.
Q Where were they when the war closed, were they there when the war closed? A Who, them niggers.
Q Yes? A Yes sir.
Q Where was Col. Bryant's family? A They were on the east side of Red River at what is called Horse Prairie not very far from where Sampson Fulson used to live in the Choctaw Nation. They went over into Texas then and fixed to go to Mexico after the surrender.

Q Did they go to Mexico? A They did.
Q Do you know whether this family of Burrell Daniels and his family went with them or not? A She did.
Q Did he? A Yes sir.
Q Where did they start from the go to Mexico? A They started from out there not far, it is on the east side of Red River.
Q Do you remember the town of Warren, Texas, how far is it from it? A I don't recollect any such town as Warren.
Q Your memory is bad about these names and dates? A Yes sir very bad.
Q You were along with Mr. Lindsey when you started were you not? A Yes sir.
Q Did Burrell Daniels and his family go with Col. Bryant and your family? A Yes sir, they did.
Q State whether or not that he went with him voluntarily or how he went? A Well there was no complication as I know of, if there was any I don't know it, of course there was a crowd of us all went together and I don't know of them compelling any one to go.
Q About what time of the year did you start to go to Mexico? A It must have been the latter part of May or the first of June, I am not certain, I think it must have been in the latter part of May or the first of June that we started to Mexico.
Q Was that in 1865? A 1865, yes sir.
Q After you got to Mexico what became of Burrell? A He stayed around there with Bryant's family awhile then Burrell, he skipped out and went to Chihuahua, we lived 6 or 7 miles from Chihuahua and they went up there.
Q Who went up there? A Burrell and his family.
Q How long had they been there with Col. Bryant when Burrell Daniels left and went up to Chihuahua? A Couldn't tell you.
Q Well was it a short time or considerable time? A I suppose it was a month or two, I don't know exactly.
Q What did Col. Bryant do about it? A He sued them, he claimed that he had a contract, I don't know anything about that part of it, they had agreed to pay him for their transportation across the plains and when they runed off, they were to work for this transportation, work for Bryant. When they runed off then he entered suit against them and got judgment and Burrell didn't have any money to pay it and he got Governor Terasse to pay the amount, whatever it was, and agreed to work for Terasse until he paid the debt.
Q You say Burrell got Terasse to pay the debt? A I suppose he did, I don't suppose he would have paid it unless he asked him to do it.
Q Did Col. Bryant have anything more to do with Burrell Daniels after that? A Not that I know of.
Q Were you a witness to that contract that Daniels was to pay him for his transportation? A No sir.
Q You only heard that there was a contract entered into? A Yessir
Q Do you know of Col. Bryant getting judgment against him in the Mexican court? A Well I was not a personal witness to it but that was my understanding.
Q You were there, a member of the family at the time? A I was, living in Chihuahua at the time and Mr. Bryant and his family lived about 4 or 5 miles east of Chihuahua.
Q How long did you remain down there in Mexico? A I stayed there nearly two years, I lived there until in June, 1867.
Q 1867 you mean? A '67, it was June '67.

Q Did you all leave Texas to go to Mexico with the intention of living there at first? A That was our intention, them matters were not settled here and we didn't know how things would go in this country so we went to Mexico, and I always wanted to go to Mexico anyway, so it just suited me.
Q Did you ever see Barrell after Col. Bryant got judgment against him and after he went from under his control? A I couldn't answer that question because I can't recollect what, I may have seen him, but I don't recollect.

BY MR. HLUK:
Q How old are you Mr. Baugh? A 80.
Q How long have you lived in the Cherokee Nation? A 52 years.
Q From what place did you come to the Cherokee Nation? A I came from Texas here.
Q Have you lived here continuously ever since you came, except what time you were in Mexico? A Yes sir, I have been in the Cherokee Nation most of the time and I have been here all of the time except once in awhile I would go down to Texas and stay a month or so.
Q Were you in the Confederate services? A Yes sir.
Q In what Confederate regiment? A In Stand Waitie's regiment.
Q Did you at any time serve in Col. Bryant's regiment? A No sir.
Q Was Col. Bryant a Cherokee? A No sir only had a Cherokee family
Q He was a Cherokee by adoption then? A I suppose you would call it that? I don't think they are adopted any more.
Q He had been recognized as a Cherokee citizen? A Yes sir.
Q And you married his daughter? A Yes sir.
Q His wife was a Cherokee woman? A Yes sir.
Q Have you been recognized as a Cherokee citizen and enrolled as such? A I have been enrolled as a Cherokee citizen.
Q Then you have been treated and regarded as a Cherokee citizen ever since your marriage to Col. Bryant's daughter? A Yes sir.
Q Where did you join Col. Bryant's party that went to Mexico after the war? A Came where out there west of Benham, I think.
Q That was in Texas? A Yes sir.
Q Was it at a town or village or city or some camp? A He just camped out.
Q Now when you joined that party, who if anyone, joined with you? A Well now then here, I will state the case this way; there was Bryant and his family and Bryant had a lot of men along with him, soldiers that was in the war that was going to Mexico with him and we all camped over there on the other side of the river together. I don't know as I joined the company any more than any one else, I just went along with my family.
Q At the time you started, this party of you people for Mexico, about how many ~~of~~ were they of you? A I suppose there was about 50.
Q Well of that 50 people how many of them were exconfederates soldiers? A I don't know, there was I suppose 15 or 20 perhaps that went along that was part of the way out there and they branched off and some of them I think went up toward ElPaso.
Q Where did they branch off from you at? ~~Q~~ A They branched off at, my recollection is very bad--well now I think it was about Fort Stockton somewhere along there, that some of them left us.
Q About how many of them left there, if you remember? A I don't remember.
Q How did you travel from this place in Texas over to Mexico?
A We went in wagons and teams.
Q Any of you on horse back? A There was a good many of these boys that were with the family went along horse back.

Q Were you a slave holder in those days? A No sir my wife had a little negro girl.
Q Was she along? A She was along.
Q What became of her? A She died in Mexico, I think those Mexicans poisioned her.
Q Was she sold into slavery in Mexico? A No sir.
Q Did she live with you after she got to Mexico? A Yes sir.
Q Did she live with you up until the time of her death? A Yes sir
Q How many slaves did Col. Bryant have with him of his own slaves from the time you started to old Mexico? A I don't remember exactly, how many I couldn't tell you. They took most there--there was one family that belonged to his mother-- let's see-- there was 3 or 4 of them maybe, I don't recollect exactly how many, I can't remember.
Q Did he have Burrell Daniels and his family along with him?
A Yes sir.
Q Burrell at that time was his slave? A They were when they started from here until the surrender come, there was no slaves after that.
Q What did he do about the matter when he got over to Port Stockton? A Of course the understanding was that Mexico was a free state, and that this fellow Burrell and his family agreed to pay his transportation to Mexico and he was to work out the money.
Q That is for carrying him over to Mexico? A Yes sir.
Q When he started Burrell was his slave? A If there was any slaves after the surrender.
Q Burrell understood he was his salve at that time? A Yes sir.
Q And he held Burrell and his family in slavery until he got out to Port Stockton? A I couldn't say.
Q Did he out at Port Stockton make some kind of a release of them and brought them over there? A I couldn't testify to that, I wasn't present at the time it was done but that was my understanding.
Q At that time he agreed to free them and he was to pay him for carrying them a cross there? A Yes sir.
Q And that contract was he was to work out that bill over in Mexico when they got there? A Yes sir.
Q And after they got there it seems that Burrell went up to Chihuahua and refused to carry that contract out? A Yes sir.
Q And then he proceeded under the Mexican law against Burrell there? A Yes sir.
Q What government was in control of Mexico at that time? A the Liberals.
Q Was it a government of the Mexican people at that time? or Maximillian? A It was the Mexican people.
Q Do you remember what year that was? A That was in '66 I think, I was there in '66 and '67 and I think it was in '66.
Q Do you remember when you and Col. Bryant's party passed into old Mexico? A Very well.
Q What was that date? A I don't remember the date but I recollect the time.
Q You say you started in May or June of 1866 from Texas? A Yes sir.
Q How long were you on the way? A Well we must have been maybe 5 or 6 weeks, I don't know for certain, I can't recollect.
Q Then you probably crossed over into Mexico in July or August of 1866? A Yes sir.
Q Do you remember of stopping at some springs up near the line?
A At Leon Holes.

Q I will ask if when you started from Stocton what place in Mexico fif you intend to go? A Our calculation was to go to the State of Sonora, then we aimed to go to Chihuahua, after that we give out going any further.
Q Do you remember of stopping at some ~~at~~ springs about 20 or 30 miles of the line either Cotton Wood Springs, or some such springs as you stopped? A It was no place, only a hollow between two hills.
Q You camped there didn't you? A We camped there a little while
Q Now as a matter of fact during the time that you were in Mexico up until just before you left there Maximillian was the emperer of Mexico was he not? A Well I don't know that he was, he was not recognized in Chihuahua at all.
Q He had the capital city and was in control of the government?
A Yes he left the capital at Chihuahua ~~xxxChihuahuax~~ was in control of the Tradoras, that was a traitor to the Mexican government.
Q At any rate he was an adherent of Maximillian? A Yes sir.
Q And the city of Mexico and the government was in the hands of Maximillian? A The City of Mexico might have been but Chihuahua where we were was in the hands of the French.
Q How long did you stay there all together? A A little less than two years.
Q When you returned from Mexico, who, if any one, came back with you? A No one came back with me but my family, my wife and children.
Q When you came from Mexico to what place did you return? A I stopped up on Grand River.
Q I mean did you return to the Cherokee Nation? A Yes sir, to Cooweescoowee District.
Q So far as the contfact that was made between Col. M Bryant and Burrell Daniels and his family you know nothing only by heresay?
A Nothing at all.
Q When did you first see Burrell Daniels that you remember? A I couldn't remember that.
Q Where did you first see him? A Couldn't remember that.
Q Do you know that Col. Bryant's family was down in the Choctaw Nation during part of the war? A I do.
Q Were they in Arkansas too? A Yes sir, they were at Evansville.
Q Do you know whether they lived in Texas during the war? A Not only when they went there to go through.
Q During the time you were on this trip from Texas to Mexico, what did Burrell Daniels and his family do on the trip. A I think mayhe Burrell drove a team.
Q Wasn't he a blachsmith? A If he was, I don't know it.
Q What did his wife do on that trip? A I don't know unless she helped the women cook.
Q As a matter of fact Burrell Daniels and his wife worked for Col. Bryant all the way over there? A I guess they did.
Q You also had a herd of cattle that you subsisted on? A Yes sir we carried some beef cattle along with us.
Q And some cows? A Beef cattle principally.
Q About how many did you have with you? A About 50 or 60.
Q Did you have any oxen with you? A Yes sir, I had an ox team.
Q State if you know why Col. Bryant's family during the war sometimes lived in the Choctaw country? A Just cause they couldn't live up here.
Q Why couldn't they live up here? A Cause they were Southern people.
Q And then they lived down in Arkansas and the Choctaw country to get out of the way of the Yankees during the war time? A That is what they did.

Q You say you don't remember when you first saw Burrell? A No sir
Q Do you remember anything about his belonging to a man by the name of Daniels at the commencement of the war? A No sir, I knew some Daniels.
Q Did you ever know anything about his belonging to a man by the name of Johnson Thompson? A I knew Johnson Thompson.
Q Then when you first saw him he was with Col. Bryant? A Yes sir
Q Did you during that time see Col. Bryant in the Choctaw Nation at that time? A Bryant was there part of the time.
Q Do you know whether or not he left the Choctaw Nation to go to Texas at the time he started to Mexico? A He left the Choctaw Nation to go to Texas.
Q Did he go from the Choctaw Nation over into Texas before he started to Mexico? A That was my understanding.
Q Were you with him in the Choctaw country? A I was then about 3 or 400 yards of where his family lived.
Q Then you saw him in the Choctaw country before he crossed over into Texas? A Yes sir.
Q About how many slaves did Col. Bryant have in his party when he started to Mexico? A I don't know, I suppose 15 or 20, I couldn't by any ways correct, I never paid any attention to it.
Q There was something like 15 or 20 then? A I think so.
Q Now outside of Burrell Daniels family what family of the rest of these slaves did you know? A Some of them went to Mexico.
Q Are you sure about that? A I don't know?
Q As a matter of fact didn't your party including these slaves after they got down there to the line, didn't you all first cross over into old Mexico, slaves and all? A They all went with us.
Q Now you say the slave girl that belonged to your wife died in old Mexico? A Yes sir.
Q Now outside of Burrell Daniles family what became of the rest that were carried into old Mexico? A Some of them came back and some of them stayed.
Q Did you ever see any of those that came back? A I have.
Q Who were they? A One was a negro woman named Bettie that belonged to Mrs. Buffington.
Q What was the name of the other? A That came back, I don't know of any others. Lets see, I believe Bettie is the only one that I recollect of seeing to come back.
Q Where is she now if you know? A Up here about Choteau.
Q Is she still living A She was a year or two ago.
Q Do you know about how far is it from Chihuahua to Tahlequah?
A No sir, I couldn't tell you.
Q About how far was it from Chihuahua to San Antonio? A I think it is about 7 or 800 miles, Maybe 900, let me see, it is from Chichuahua to Fort Davis is about 200 miles, and from Fort Davis to San Antonio I Think is 600 miles. Well, it is about 7 or 800 miles from Chihuahua to San Antonio.
Q Now can you give me an estimate of the distance from San Antonio to Tahlequah? A I would have to get a railroad map and figure it up.
Q When you reached Fort Stocton with this party about how far were you from the Cherokee Nation? A I would have to have a pencil and map to tell that.
Q About how many miles do you think it was? A That is too hard for me.
Q Now when you travelled over that country from this point in Texas from which you started to Mexico by the route you took, was it a settled country or wild and desolate? A It was settled until after you left the Colorado River, out west

here at the head of the Concho River there was no settlement there until you reached the Rio Grande. It is considered 90 miles from the head of Concho River to the Pecos, that distance is a desert, no water.
Q Then you had to carry water over there? A Yes sir.
Q Then that coutry was a wild and part of it an arid country where you crossed over? A Yes sir.
Q How did you subsist while you travelled over there? A We subsisted on meat and bread and water.
Q Did you carry the bread with you? A Of course we carried flour and we had beef and salt.
Q I understant that you say that fjust prior to Mr. Bryant's starting to Mexico you and he lived near each other in the Choctaw country? A Yes sir, my family and me and Bryant's family we lived close together a awhile.
Q How long did you live there before you went over into Texas? and started for old Mexico? A I expect about 12 months maybe.
Q Did all those negroes that he had with him there in the Choctaw Nation did he take with him to Mexico? A I couldn't say.
Q You don' know of any of the negroes that were with him there, that he didn't take, do you? A No sir.

BY MR. HASTINGS:
Q Now how many negroes did he get into Mexico with that you remember, your best judgment, about that? A I expet about 10 or 12.
Q Was there more than one family besides Burrell Daniel's family? A Yes that is there was some other niggers, I don't know as any of them had any family they were mostly women.
Q Did they belong to Col. Bryant or some other members of the party? A Yes they belonged to Bryant and some, there was one that belonged to Lindsey's wife, and one belonged to Mrs. Buffington, a girl, and one that belonged to my wife.
Q Now I will ask about those slaves that Col. Bryant took over there, did he have any other besides the Burrell Daniels family and one other family? A Let's see, I think there was two other girls, maybe they called one Rainy and another girl,--- I forgot her name.
Q All of Col. Bryant's original slaves did not go to Mexico did they? A No sir, I guess not.
Q And they all didn't start with you to Mexico? A No sir.
Q You were not present when that contract was signed with Burrell Daniels to pay back his transportation to Col. Bryant? A No sir I was not present.
Q But you understand one was signed? A I couldn't recollect knowing about the contract, only it was my understanding that there was a contract of that kind.
Q And he sued him and got judgment upon this contract? Yes sir.
Q Now you were asked about your citizenship and that of Col. Bryant awhile ago and you laughed, why was that, is your citizenship a proposition that is in question, the intermarried whites of this country, there rights is in the Courts isn't it? A Yes sir, I guess so.
Q Well I am asking you, Col. Blue was asking you about whether you were a citizen and whether Col. Bryant was a citizen? A What I was laughing about he asked me if Col. Bryant was an adopted citizen, Well I don't know whether he had ever been adopted or not, he was married in to the Cherokee Nation.
Q He was a white man himself? A Yes sir, he married a Cherokee woman but whether or not he had ever been adopted I don't know, adopting and marrying into the Cherokee people is a different thing aint it?

Q Do you know from whom Col. Bryant bought Burrell Daniels? A No sir I dont.
Q Now didn't you answer ahile ago that the first time you saw Burr ll Daniels was in Arkansas? A It appears to me that he must have been but on Frog Bayou, he rented a farm down there, maybe in '63 down on Frog Bayou, and he had some niggers on it, whether Burrell was amongst them, I don't know but maybe he was.
Q That is your impression, but you don't know? A My recollection aint very good.
Q How old are you now? A I am 80 years old.
Q Your recollection about these dates is not very good? A No sir
Q What became of the rest of these slaves that Col. Bryant had and subsequently went with him to Mexico, what became of them?
A Well when I left Mexico they were in Chihuahua, that is all I know about them, I don't know, I didn't come back with Bryant's people.
Q Did you come before him or after he did? A I started before he did.

BY THE COMMISSION:
Q How many Cherokee families were in this party that went to Mexico? A I don't know, lets see, in our crowd there was myself, me was the oldest one, Lindsey and Buffington and Bennett, and Bryant himself.
Q They all had families did they? A Yes sir.
Q This party was then composed of Col. Bryant and his children and their families together with some of their slaves? A Yes sir.

BY MR. HASTINGS:
Q Was Buffington and Bennett son-in-laws of Bryant? A Yes sir.

BY MR. BLUM:
Q Did Col. Bryant have any of the slaves of his mother along with him? A Yes sir.
Q How many were they of them with him when the party went to Mexico? A Three I think.
Q Were these the girls that you were speaking of ahhile ago? A Well there was one nigger man named Abe, he stuttered very bad, you could hardly understand him at all, and then there was a nigger girl Nealie and then the old woman, I dont recollect whether she was living or not.
Q What became of the other slaves of Col. Bryant that you say you and he didn't take to Mexico with him? A I don't know.
Q Had they runed off? A No sir I think not.
Q Where do you think they left them? A I don't know, some of them,--lets see-- I don't recollect.
Q As a matter of fact Mr. Baugh Col. Bryant took all the slaves he had with him when he started to Mexico? A No sir, he didn't.
Q Where di he leave any of them? A Well he left some of them on Red River I think.
Q Beofre he went down into the Chectaw coutry ? A No sir, before he went to Mexico.
Q Had he sold them? A Yes sir I think he sold them to some fellows there for beef cattle.
Q Not the slaves? A These fellows that bought them I think were Yankees and they thought they would be allowed to keep them I reckon.
Q And you mean to say that he took all the slaves except what he sold at that time? Did he? A Yes sir.

Q And all these sons- in-law of Col. Bryant that were with him there in that party been in shouldering the Confederate army? A. Yes sir.
Q About how many more confederate soldiers were there with him before he started to Mexico besides his sons-in-law and sons?
Q Well I can't recollect there was some fellows, a little company I think there some men that started out that was but I don't know where they left us.
Q What was his name? A I think it was Captain Steward.
Q Did he have a company of his own? A Yes sir a small company, they all had left him but 10 or 15.
Q Then there was his company of 10 or 15 and Col. Bryant and his sons-in-law that started to Mexico? A Yes sir.

BY MR. HASTINGS:
Q You don't know how far he went with you? A I don't recollect where he left us.
Q Who all got to Mexico with you or do you know? A There was Bryant's family, and his sons-in-law and there was some other fellows that fell in with us, several that fell in along.
Q So you don't remember the names of the parties? A No sir.

BY MR. BLUE:
Q Did any other fellows that fell in take in slaves to Mexico?
A No sir.

W I T N E S S E X C U S E D.

---oOo---

R.V.LINDSEY, recalled by Cherokee Nation:

BY MR. HASTINGS:
Q Did you witness that written contract that was made between Col. Bryant and Burrell Daniels that was made at Fort Stockton? A Yes sir.
Q And it was made to cover the expenses and transportation of Burrell Daniels and his family? A Yes sir.
Q And you were a witness to it and signed it as a witness? A Yes sir.
Q Of course you don't know what became of that contract? A No sir.

BY MR. BLUE:
Q Did any of these colored people sign that contract themselves?
A No sir they signed it by mark.
Q Who wrote the names? A Lem Smith and Joe Bennett and myself witnessed it.
Q Who was Bennett? A A son-in-law of Col. Bryant.
Q What was Smith doing with the party? A Smith was an old friend that went with us.
Q He was and exconfederate soldier was he? A Yes sir.

BY MR. HASTINGS:
Q Daniels thoroughly understood the nature of that contract?
A Yes sir.
Q It was explained to him? A Yes sir.

BY MR. BLUE:
Q Who explained it to him? A Col. Bryant.
Q What was the contract? A It was that he was to pay so much money for the transportation of himself and family into Mexico, and that he was to work it out at the contract price, I don't know whatever that was, can't say about that.

BY THE COMMISSION:
Q What was this Fort Stockton, a small village or what was it?
A It was a small kind of a barracks it was, I suppose built to accommodate one or two companies for their protection, it wasn't very old, it was put up there during Buchanan's administration.
Q What was the nearest town to there? A I couldn't say, El Paso was about 300 miles.
Q What kind of a country was there around Fort Stockton? A There was prairie country.

BY MR. HASTINGS:
Q Were there any soldiers there at Fort Stockton? A No sir, and hadn't been for quite a while.

BY MR. BLUE:
Q That was a abandoned fort then? A Yes sir.
Q What was the nearest settlement to that fort at the time you were there? A I said El Paso or Presidio de Norte.
Q About how far was it? A About 300 miles.
Q Was there any houses in between there? A Well it was quite a distance to any of them.
Q This place you spoke of as Presidio de Norte is it near what is El Paso? A No sir, it was way down the river.

J. N. BAUGH RECALLED:

BY MR. BLUE:
Q In answer to a question of Mr. Hastings you said that Burrell Daniels asked this Governor of Chihuahua to pay this judgment, you don't know anything about that do you Mr. Baugh? A All I know about it is that it was my understanding that Governor Terasse paid Col. Bryant for their transportation because Burrell agreed to work the money out and he went to Terrasse's ranch, sheep ranch, and took care of sheep.
Q What I want to get Mr. Baugh you don't know how that happened to be done, you don't know anything about Burrell Daniels requesting it or anything of that kind? A No sir just my understanding.
Q Your understanding as I get it is that the Mexican Governor did pay that and took these people and put them out on the ranch? A No sir, I don't know about them, but I am satisfied that he never did without being asked.

BY MR. HASTINGS:
Q Why are you satisfied? A Well if he ~~xxxxxxxxxxxx~~ hadn't I think I would have found it out.

C H E R O K E E N A T I O N R E S T S.

This case was here continued until 1:15 P. M. this day.

The following testimony was introduced on behalf of the applicants.

BURRELL DANIELS, being first duly sworn, testified as follows:

BY MR. BLUE:
Q What is your name? A Burrell Daniels.
Q Are you the same Burrell Daniels that has testified before in this application? A Yes sir.
Q Did you know Col. Bryant? A Yes sir.
Q Where did you first know him that you remember? A When I lived up there on Grand River.
Q Did you know him before the war began? A Yes sir.
Q Did he ever after the war began get control of you? A After the war began, a long time after it commenced I was put with him with his command, me and a whole drove more.
Q Who put you there? A Our owners put us there to keep us out of the way of the Yankees.
Q Was that all done at once or from time to time? A Done when they had us on a retreat down here when we got out here about Skelleyville, Choctaw Nation.
Q Did you have a family then? A Yes sir.
Q Where were they? A My wife belonged to Johnson Thompson, and Lewis and Abraham, and Tom and Sarah I believe they were my oldest ones, and Nancy.
Q What became of your wife and children when you were put with Col. Bryant? A They were with the white family, with Mr. Bryant family.
Q Do you mean by that that Col. Bryant took charge of you and your family? A He told us all the time we were with him to keep us out of danger.
Q Were your family with him the same as you were? A Yes sir, they stayed with his wife and he taken me out in the army with him, and the rest of them worked around the family.
Q How long were you with him during the war? A I think it was over two years, while the war was going on.
Q Do you remember being with him in Arkansas at any time. A That was when he first put us with him.
Q At what place in Arkansas? A On Frog Bayou below Van Buren.
Q Who had that place in control at that time that you know of?
A I don't know who was the owner of it, it was turned over to him.
Q Turned over to who? A Mr. Bryant, I didn't know who was the owner but he took charge of it and put in a crop there, but I don't recollect whether he gathered the crop or not.
Q Did you work on a farm there? A Yes sir.
Q Did those other colored men work there too? A Yes sir, I worked there but most of the time I was out with him.
Q What did you do with him when out with him? A I cooked and drove a six mule team.
Q After you left Frog Bayou to what place did he take you? A He carried us over to Fort Smith and camped a day or two and then we were taken down the Arkansas River to Dardanell and before the winter was out he carried us in below Doaksville, and then after a while he carried us up above Doaksville.
Q Where were you in down there about Doaksville? A In the Choctaw Nation and the Red River.
Q At what place in the Choctaw Nation did he keep you at the time he had control of you? A We were down there below Doaksville awhile and moved from there above Doaksville on the Red River and stayed there until the war ended, moved the family up there, the colored family and his family.

Q You were there in the Chectaw Nation were you? A Yes sir.
Q About how many colored people did he have there in that neighborhood at that time? A He must have had about 30 or 40, something along there, little and big.
Q Do you know to whom these colored people had belonged before that time? A Some of them had belonged in the Nation here, and some of them belonged to some persons in Missouri, and some of them belonged to somebody on Grand River, and some of them were his own.
Q Do you know whether any of his mother's slaves were along? A Yes sir, his mother was along with him.
Q Col. Bryant's mother? A Yes sir.
Q Did you know a Mr. Baugh, a son-in-law of Mr. Bryant? A Yes sir.
Q Do you remember any other sons-in-law? A Yes sir, Mr. Lindsey, John Buffington and Joe Bennett.
Q If he started to old Mexico from what place did he start? A From up there above Bonkinguhim Bonksville, he never started until the war ended and everybody was going home, he come and told us to get ready we were going to march and he marched us over into Texas, and some of the niggers were talking about running off when he said he was going to take us along, and he said he was going to kill the niggers that runed off, and Joe Bennett told him to kill old Burrell and he wouldn't have any trouble, and he called me up and asked me if I was trying to get them to run away and I told him no, and they took us then and carrie d us further over into Texas and they was cutting wheat with cradles and we worked there and after this and started out for Austin, Texas, and when we get to Waco and crossed the river and got on the other side of Waco, and camped, his men went back into town and broke into stores and he had to leave there, and then struck out for Austin and was going to Austin met a runner stating the Northern Troops were in Austin and then struck out across the plains.
Q Where did he go to then? A He travelled I reckon about two weeks, get clean out the settlement and camped, picked out some of his best men, Captain Stewart, Lieut. Thomas, Lieut. Gatterson and sent them back to east Texas and they bring out 1500 head of cattle.
Q About what place was it that they went back after the cattle? A I couldn't tell, it was way out on the plains quite a goods ways from any settlement.
Q What did they do with that 1500 head of cattle? A Carried them along with us and a crowd get after us and we were two nights and days without anything to eat or water.
Q You mean to say he and his party and stock travelled how long? A Marched us all night and all day, told us we had to keep kicking there was a crowd after us.
Q What did you do then? A Travelled until he thought we were out of danger and then camped so as to let the stock graze and after a day or so we started on again.
Q Did you continue to travel? A Yes sir, until we get to, I don't know exactly how long we travelled, we travelled until where the United States used to have troops and there he stopped and rested awhile. He stopped there like this evening and the next morning made us all form a line and told us to come up and sign a paper he had made.
Q Who do you mean by saying all? A All the colored men.
Q Did you form the line? A Yes sir.
Q Then what did he say to you? A Said to sign this paper and the first nigger kicked why he would kill him and let the wolves eat his bones, and when we get to Mexico he was going to put us on a farm and get even with us.

Q What did he do there when he had you in line and told you that?
A Nothing but to sign it.
Q Did you sign your names? A No sir, he signed it and we touched the pen.
Q Was there anybody there with you who saw it? A Yes sir I have a boy there.
Q Do you remember any white men? A Yes sir, his soldiers and all his sons-in-law.
Q How many of his soldiers did he have? A I don't know exactly, had a little squab of them, maybe 35 or 40, maybe more.
Q Were they armed or not? A Yes sir, all had arms.
Q How did you travel across that country? A All of them colored men were driving mule teams.
Q You say his sons-in-law were there when you signed this paper?
A Yes sir.
Q Were they armed or not? A Every one of them were armed, they had the arms on them that were in the war with.
Q Do you remember Lindsey one of the sons-in-law? A Yes sir.
Q Was he there? A Yes sir.
Q Do you remember whether he witnessed the contract or not? A Yes sir they were all there.
Q Now you state to the court whether you went with him to Mexico of your own free will? A I did not, I have got to die before long, and it would not be honorable for me to tell a lie. He made us go.
Q Was that true of all you colored people? A Yes sir.
Q About how many of you men that he made sign that contract that day? A Me, Tom, Joe, Uncle Edwin, I think there was six of us, just the men, no women.
Q At that time about how many colored people did he have with him out there at that fort? A He had a lot of women and children, every one of them had children, about two or three girls.
Q Are you able to state about how many there were of them? A My woman I think had Lewis, and Abraham, and Tom, and Nancy, and I think Sarah, and then there was another woman alongxxxx that had two children but as he was going through Texas he sold Rainy and her chhildren and the balance he carried on.
Q To whom did Uncle Abe belong? A Mr/ Bryant.
Q To Mr. or Mrs. Bryant? A I guess to Mrs. Bryant.
Q Is that the old lady? A Yes sir.
Q Col. Bryant's mother? A Yes sir but he had them with him all the time.
Q Now those colored people that were with him at this fort all go over into Mexico too? A Yes sir all went over into Mexico when across the Rio Grande travelled on about 160 miles from the Rio Grande camped us there by a Mexican French called Talliope.
Q How far was that from Chihuahua? A One mile.
Q After you got to Mexico what occurred in regard to you colored people over there? A Every day at two a Mexican would come out in fine carriages and carry off the girls and boys and told him they would pay him so much money apiece for them and kxxx asked him if they were citizens. I got up one night about midnight and went up to the city and hid them.
Q Then what occurred? A I suppose he went before the French general and taken oath of allegion and had a writ issued from the French and come down and arrested me and marched me and my family down the street and an American merchant there met them and told them he had runed off with us, that we were free when we left here and that threwed it into court.
Q Told them Col. Bryant had runed off with you? A Yes sir.

Q Then what was done? A While they were trying the case stepped in a little man very fine dressed and he come in and asked Mr. Bryant and talked French, Mexican and English and said he wanted to have a word to say to Mr. Bryant and asked him when he started from the States with these niggers and he told him and he asked him how long you were crossing the plains with these niggers, and he said three months, and asked how come him so long and he said took it slow and asked him what this man was doing here, and he said drive my team, he asked him what kind of a team and he said six mule team, he asked him what did these nigger women do , and he said waited on my mistress, and he asked him what these little boys did and he said drove my stock; and he said he runed off with these niggers and he sent a runner to Maximilian that he runed off, and the runner come back and Maximilian said let them be and he turned around to the court and asked him if it be that, and he asked Mr. Bryant how much they owed him, and he said $100.00, and he asked him if any niggers ever owed his master, and Mr. Bryant didn't answer, and he turned around to the French officer and told him to sum it up so much a piece for this man, woman and they summed it up and knocked it down to $113.00.

Q They put that in as a counter bill against Bryant's claim? A Yes sir.

Q That reduced it to $113.00? A Yes sir, and the Mexican Governer got up and said I have no say so, if I had I would have turned them loose when you first come here and he paid the $113.00 and sent us out on the ranch.

Q Was that the man before whom you were tried? A That was the Mexican Governer, he put us out on the ranch and worked us 5 or 6 years, they give me $6.00 per month, my wife didn't get nothing and my little boy sometimes would get $1.50 per month to herd sheep and while I was working there, I was on the road which runed from Chihuahua to El Paso come a man moving his store from Santa Fee and he asked me what we were doing there, and he said my wife is from New York and I am going in and pay you all out from here, and I will give you a chance to get out of here, and went on in, and a Spanish man came to the ranch and said the Mexican Governer said for us to come to the city and asked what he paid for us and he paid $250.00, and we went to work, she nursed for the madam and I cooked.

Q That is this party that paid you out? A Yes sir, he give us $8.00 a month apiece, and we worked this $250.00 out with him.

Q Then what did you do? A When I got through that I worked around my wife was expecting to be confined and after a month until she got straight and I left her there with Mr. Brown, a lumber man and I followed a train of Wagons from the City of Chihuahua to the Rio Grande and the Government had wheat shipped out of Mexico.

Q What Government? A The United States Government, grinding it for the forts up and down the Rio Grande.

Q You say the United States Government had wheat shipped out of Mexico? A Yes sir they shipped wheat and had a mill right on the bank of the river.

Q Grinding this wheat for the use of the United States soldiers?
A Yes sir.

Q When you got through there, what did you do? A I went to work there and I cooked for the boys and worked in the mill of nights for about ten months and kept money going back to my family to keep them up and finally come a Mexican train from San Antonio, Texas, went into Chihuahua and he promised to bring my family to me for $15.00, and he brung them to me for $15.00, and they stayed there

with me until another train came along, an American one and an Mexican driver by the name of Mr. Grover, and they went on to the City of Chihuahua and when they returned back I told them that I wanted to go to San Antonio with them if I could. I told them I had a big family but didn't have enough money to pay them and he asked me if I could shoe mules and I told him yes, and we crossed on the train, and every time we stopped and rested I would shoe 5 or 6 mules, and when we got to the City of San Antonio, I went to him and asked him what he would charge me and he looked at me and laughed and said, you have done better to me than the blacksmith ever done, and he said the mules were better shod than they ever was, and he gave me $10.00 and told me to go and rent a house.

Q That was at San Antonio? A Yes sir and after I left the Rio Grande and got to Fort Davis the United States give me rations to Fort Stockton and there they give me rations to Fort Clarke, and there there they give me rations to San Antoinio.

Q That was when you were travelling with the train? A Yes sir.

Q What did you get working there at the mill for the government?

A I got $25.00 a month and sent a big part of it back.

Q When you reached San Antonio how much money did you have? A I don't guess I had any.

Q You got $10.00 from that train master? A Yes sir.

Q Outside of that did you have any oth er money of any consequence? A No sir, I don't think I did.

Q What did you do there at San Antonio? A I went to work there I reckon about a year and not being used to the climate and water I took down and was down to near a year and the City Doctor had given me up to die, and I was very sick and the doctor came around from New Orleans and took hold of me and stayed with me until I got up.

Q Now during the time you were down sick did your family do anything? A My wife washed and the boys worked around the hotel.

Q Did they save up any money while you were sick? A When I got up I borrowed the money and paid the doctor bill from a policeman named Sol White loned me $25.00 to pay my doctor bill and as soon as I got able to I went back 25 miles from San Antonio on a ranch and went to work, me and the boys.

Q How did you work there? A Put in grain and cotton on the halfs and the first year I came out a little in debt.

Q Now you tell what this farm contract was that you worked under?

A The rent was half renters and I don't care how much you made everything you ate came through their hands and you had to sell what you raised to them and whenhyou got through they might say you were ahead or you were in debt.

Q When you say hal f rents that means half you raised and when you went to the stores you bought the stuff from them? A Yes sir.

Q Then at the end of the crop season what was the consequence,how did you come out of it? A At the end of the crop season he said I owed him $300.00 and took the crop for it.

Q What did he say about your coming away? A He would not let us come away, we were in debt a little and said we had to stay there and put in another crop and we did stay and we put in another crop and took up and I left anyhow.

Q Where did you go then? A Back to San Antonio.

Q Then what did you do? A Worked around there awhile until I ~~got a little money and there happened to be an excursion starting~~ out and the old lady said she wanted to come back and we taken that excursion train and stayed on it until we got to Wimer, Texas, and they put us off there.

Q. New you said you loaded up and went down to San Antonio, did you have a team there? A No sir, I never had any team.
Q What did you have there? A I hired a man to haul us away.
Q Did you have any money at that time? A No sir didn't make any, didn't get any out of the crop.
Q The owner still claimed you owed him? A Yes sir and after I get to San Anteinio he came in and told me if I would come back and go to work he would give me $30.00.
Q New then when you get up to Wimer what did you do then? A I went up to place near Baldman Valley and raised cotton.
Q Was that in Texas? A Yes sir Page County, near Wimer I put in a crop there and gave half I made and I come out even and I was going to quit and go to another man named Mr. Wimer and the man that I rented from came out and said here don't you leave here, my brother had made a kick about this half rent, claimed that we were starving the poor people and said out of every four bales you give me one and take three, and give me one and you take two thirds of the grain, and I stayed there and went through that year and I believe me and my son made 15 bails turned in my rent and paid up all our debts and everything and we had money enough to come to Muskogee, and when we went to start, and the l ast day settling up my wife was with me and they come down there and told us not to leave, and said you have just get to stay here another year and I will fix it so you can get a little piece of land up on the prairie, and my wife told him no she couldn't do it, and he said you had better not do it for I read in the newspapers that those Cherokees were killing niggers and floating down the river, you had better not go, but we didn't stay.
Q Then what did you do after you come to Muskogee? A I went down here and found mm mother, got here in the fall and the Cherokee council just had adjourned and I worked for a lawyer called Bird Harris, and I went to work for him and fixed fence.
Q Was that in the Cherokee Nation? A Yes sir, out here just the other side of that church and I worked for him and made a crop and moved down to Mrs. Nivens.
Q Was Mrs. Nivens place in the Cherokee Nation? A Yes sir.
Q Then what did you do? A The next fall come after the time we get here I went to the Cherokee council, Gus Ivy and George Butler got up a bill and carried it in and had it signed up and all the half breeds signed it up but the full bloods and they got up and made speeches said that we were carried to Mexico and kept there so many years and said we had a right but they every one signed it up and George Butler got a room where there was nothing but full bloods and George told them he wanted them to sign it up, that this ~~xxx~~ old darkey had been to Mexico a long timeand they studied so long that he told me to go in he wasn't going to fool with them, we can make up citizens without them damn Indians and Mrs. Bushyhead said you have got plenty of time and told them to go on home and they would see if I got mm citizenship and when Wallace enrollment come on Mistress sent for me old Mrs. Daniels, at Vinita, and I was put on the roll up there.
Q On the Wallace Roll? A Yes sir, she sent two colored men up as witnesses for me, and when Kern-Clifton come they sent me a letter to meet the enrollment in Tahlequah, I don't know it was written to me by some of them Cherokees, I went and Mrs. Bushyhead got up and witnessed for me and had them take my name and send it to Washington to the Secretary to act on it. Mr Hastings was there and seen that.

Q Was any of your family besides that? A Every one but Tom and Lewis, didn't get their names right.
Q You mean by that they made a mistake in putting those two on?
A Must have they didn't get them on but got all the balance.
Q Who was the Chief of the Cherokees when you came back that you know? A Mr. Rushyhead.
Q During the time that you were with Col. Bryant on the way to Mexico and after you got there until you got back to the Cherokee Nation where did you intend to go to when you got so you could go?
Mr. Hastings: I object to that as not being a legal proposition
A I always intended to come to the Cherokee until I got here.
Q During all that time where did you consider your home? A Cherokee Nation.
Q Did you ever at any time have any home anywhere else? A Never did.
Q Why didn't you come back to the Cherokee Nation sooner? A I wasn't able to ~~xxxx~~ I had a house full of little children and sometimes I would get to working, worked out and couldn't save enough to come up and just as soon as this railroad got to San Antonio we taken the train then and kept a travelling until we get here by working along.
Q Now was there any time during all that time in your power to get back here any sooner than you did? A It was out of my power I had nothing to come back here with.
Q As soon as you get the money you come back? A Yes sir.
Q Now when you get back into the Cherokee Nation what did you do in the way of fixing a home for yourself and family? A I just worked around in the Creek Nation and in the Cherokee Nation just where I could get good wages.
Q Have you ever had a home anywhere else except in the Cherokee country? A I built a little place down here close to the line in the Creek Nation, went back over into Canadian ~~xxxxx~~ while ~~and~~ lived.
Q How long were you at that place in the Creek Nation? A I don't know, maybe two or three years, sold it for some stock and moved back in the Cherokee Nation.
Q Do you remember what year it was that you had a place over there? A No sir I couldn't tell you exactly I can't read, I couldn't tell you ~~xxxxxxx~~ what year it was; I have been living on Caney River about 9 or 10 years up in the Cherokee Nation.
Q Coming back to this fort to which Col. Bryant took you, do you remember the name of that fort? A Fort Stockton.
Q At the time he compelled you colored men to sign that contract about how far was it from that place to any settlement that you know of? A There was no settlement.
Q According to your best judgment about how many miles were you to any settlement? A I don't know exactly how far it was from Stockton to Davis and after we got to Davis it was 90 miles to the Rio Grande.
Q On the day you were set free did you have any teams or horses any way to get away from there to Waco? A No sir never had any way.
Q Did you have anything of your own to eat if you had started back from there? A No sir nothing at all.
Q During that time did you ever say to him or to any of his people that you wanted to go to Mexico or ~~that you were~~ willing to go to Mexico? A No sir never ~~xxxxx~~ none of us. After he moved from the Choctaw Nation to Texas he called us up and said he heard some of us were talking about running away and he said he would kill us if we did, had a great mind to kill us anyway.

Q At the time you say he told you you had to sign this contract, just tell me what he said at that time? A He said he heard some nigger murmuring back there in the crowd and if he does it again I will kill you and let the wolves eat you right here.
Q What did he say about carrying you into Mexico? A He said I am going to carry you over and put you on a farm until everything gets peaceable here and I will fetch you back to the nation.
Q Do you know anything about where that 1500 head of cattle come from of your own knowledge. A No sir he sent men back and got them.
Q Do you know who brought them back to his camp? A I know the officers, Captain Stewart, Lieut. Gatterson, Lieut. Thomas, Lem Smith and Joe Bennett, Bennett was a son-in-law.
Q Who was this man Smith? A A soldier of Bryant's.
Q Had lived with him before the war? A Yes sir.
Q What became of that 1500 head of cattle? A Took them to Mexico and sold them.
Q Kill any of them on the way to eat? A Yes sir.
Q Did he have any cattle of his own when he started from Texas?
A Yes sir had a few, bunch of cows, in driving through the settlements of Texas those cows, we had a little boy to drive them and he would tell the little boy to get around there and mix them and carry them on.
Q As you drove along? A Yes sir make a little colored boy drive them in and take them along.
Q Do you know anything about what provisions he had with him when he started from Texas? A Yes sir I was driving a six mule team. It was loaded with flour, he killed a beef now and then for his own family.
Q In crossing over the plains there for whom did you work from the time you left Texas to Mexico for yourself or some one else?
Q Drove a team for the Colonel.
Q For whom did your wife work? A Cooked for her mistress.
Q Did he say anything at Fort Stockton or any place about freeing you? A No sir said there was no freedom for niggers, and that the Yankees were going to take them off and put them on the cotton plantation.
Q When did you first learn about the Treaty of 1866? A When I come to the Na tion here.
Q From whom did you learn it? A Mrs. Nivens and Mr. Harris.
Q Had you at any time before that known anything about the Treaty of 1866? A No sir, never did, where I lived I was in Mexico 6 or 7 years, never heard a thing of it.
Q Did you hear anything about it while in San Antoinio? A No sir not until I got back here.

BY MR. HASTINGS:
Q Burrell what year is this? A I can't read, I can't tell you what year it is .
Q You testified before that you came back here during Bushyhead's second administration, didn't you? A I testified that I came back here a year--the council adjourned and the next year I went and he was Chief but I don't know whether he was Chief when I got here the year before that.
Q Didn't you testify when you were on the stand before that it was during Bushyhead's second administration? A I couldn't tell.
Q Did you testify to it? A I don't recollect.
Q George Butler knew when you get back didn't he? A I told him I got back the fall before we got to Tahlequah.

Q New he testified in your behalf and it is in evidence that you get back in 1884, do you think that is about cor rect? A I don't know sir.
Q He knew when you get back, didn't he you told him? A Yes sir he knew when I got back, but I don't know whether he stated it to the counsil or not.
Q But he has testified in your case since this case has been pending before the commission and he testified that you come back in 1884, do you think that is correct? A I don't know.
Q He testifeid as your witness didn't he, you brought him before the commission? A He went down there before the commissioner.
Q Well before this Dawes Commission he testified for you in this case hasn't he? A I said he did, I didn't see him.
Q And he testified as your witness then didn't he? A Yes sir.
Q New if he testified that you came back in 1884 you aren't prepared to dispute that you stand by your own witness? A Yes sir.
Q That is the first time you had ever been back to the Territory after the war? A Yes sir, but I don't know what time it was.
Q Didn't Col. Bryant give you your discharge out at Fort Stockton?
A No sir.
Q Didn't give you any discharge? A No sir didn't give me any discharge, never until he got that money.
Q And that was over in Mexico? A Yes sir.
Q Was that in 1865? A I don't know when it was.
Q But he did give you a discharge there? A No sir but he sold me to the Mexican Governor.
Q I think you said he got it into court and the Mexican Governor said you owed him $113.00? A The Mexican Governor paid $113.00 to him and put me on the ranch.
Q That was in the Mexican court there? A No sir it was the French Court, the French General took care for us to be turned loose.
Q He testified that you owed him $113.00 for transportation? A Yes sir.
Q That was for you and your wife and your children? A They claimed $500.00 but cut it down.
Q That is what they got wasn't it? A Yes sir.
Q After that Mr. Brynat never had anything more to do with you?
A No sir.
Q How long did you work for that fellow Terasse? A I worked 5 or 6 years.
Q You worked for $6.00 a month did you? A Yes sir.
Q 6X12 would be 72, wouldn't it? A I don't know.
Q It wouldn't take you two years at that rate to work you out?
A No sir you couldn't work it out, every year you worked you owed more.
Q Now you testified that you stayed in Mexico 5 or 6 years? A Yes sir, and I swear to it, there was three children born there.
Q You stayed in Mexico all told 5 or 6 years, is that correct?
A Yes sir.
Q You went there the year the war closed? A Yes sir.
Q Then that made you come to the United States ither in 1870 or '71? A No sir it didn't, the man that paid me out, I worked for him at $8.00 for my wife and myself until I paid $250.00.
Q You said you stayed in Mexico for 5 or 6 years? A I stayed on a Mexican ranch 5 or 6 years.
Q Then where did you come to from the Mexican ranch? A I went out and worked for the man that paid me out and carried me into the City.

Q How long did you stay there? A I must have stayed there 15 months.
Q Then where di you go to? A Around town and worked awhile until I got ready to come to the Rio Grande.
Q Then where di you go? A I come to the Rio Grande.
Q Then you stayed as I understand, 5 or 6 years with the Governor of Chihuahua, then about 15 months with different people for whom you worked, then about a month or two befire you went to the Rio Grande, that made all told about 18 months? A I left my family and come to the Rio Grande and worked there about 18 months and sent money back to my people.
Q How did you send it back? A I went over across the river to the merchant and he sent it back to them.
Q And from the 5 or 6 years that you stayed with the Governor of Chihuahua, then the other time, 15 months, and then some two or three months added to it, would make it in all 7 1/2 year all told that you stayed in Mexico, wasn't it? A I stayed in Mexico I expect something near 8 years, the first child growed to be that high (indicating) right on the Mexican ranch, and the next one got up to be a good sizelad, and the next boy, he is here now, he was about 6 months old before I left Mexico, the last one.
Q Which one is that? A Burrell.
Q Then how old is he? A I don't know exactly.
Q He is given in to be here in 1901, Burrell's age was given in as 30 years of age, is that about correct? A We just made a guess at the ages.
Q Was that your best judgment under oath at that time? A Yes sir
Q Now then this boy was about 6 months old when you left Mexico?
A I think so.
Q Then if he was born in 1871 you left Mexico about 1872, the latter part of '71 or '72? A I can't say, I don't know, I can't read.
Q You know his age was about 6 months old when you left there?
A Yes sir and when we got here, the first roll was the Wallace Roll and we just guessed at the age, I dont know my own age unless I go to Tahlequah.
Q This card here, R-390, gives your boy, Burrell H. Daniels, age as being 30, and this is dated December 17, 1901, do you think that is as near as you know correct? A I don't know, it might be just about it.
Q Have you any children born since Burrell H. was born? A Yes sir, Lizzie and Mack were born.
Q Where was Lizzie born? A She was born at Hill's ranch.
Q Where is that? A The last place I stayed before I come here.
Q Where was Mack born? A In San Antonio.
Q Is he alive? A Yes sir he is here in town?
Q Mack's age was given in 1901 as found upon R Card 392, as being 25 years old; do you think that is about correct then? A Mack is older than Lizzie.
Q I have not mentioned Lizzie's age, I said ~~xxx~~ Mack was given as 25 years old in 1901, is that correct? A I don't know.
Q But you know you were there in San Antonio when Mack was born?
A Mack was born in San Antonio and Lizzie was born on Mr. Johnsons ranch before I left there.
Q Is Lizzie a year older than Mack? A No sir.
Q Which is the older Lizzie or Mack? A Mack, he was born in San Ant enio before we ever wnet x to Johnson's ranch.
Q How many children did you have born in the state of Texas?
A Three I guess.

Q What are their names? A Lizzie and Mack and Robert.
Q About how old was Robert when you left there to come to the Cherokee Nation? A we was just a little kid, I don't know just exactly, how old, just a little child.
Q About how old was he? A I couldn't tell you to save my life.
Q Was he a baby two years old or three? A Just getting so he could talk, just learning to talk.
Q Do you think he was a year old or two years old. A He x was a year old.
Q Do you know whether he was two years old? A I don't know whether he was two years old or not.
Q According to this card Robert was born in 1881 then that would make you come here about 1883, is that about correct? A I don't know unless I could read, I couldn't tell.
Q Now then according to your statement you stayed in Mexico between 7 and 8 years so you came to Texas in 1872 or '73, now then according to your own statements you lived in Texas from 10 xx to 12 years? A No sir, I don't know.
Q Now if you come there in 1872 which is the best we can get at it from your own statements, where did you live the first year? A I lived the first year in San Antonio.
Q How what did you do? A Worked around on the streets.
Q What did you get there? A I got enough to keep my family living, we paid house rent, yes sir.
Q How old was your oldest boy then? A I hired them out around the hotels.
Q How old was your oldest one? A I don't know exactly how old he was.
Q How old was your oldest boy when the war came up? A Big enough to drive cattle.
Q Now then 12 years after that they were up nearly grown then were they? A I hired them out as little boys and got the money.
Q How long did you live at San Antonio? A Lived there a year and went from there to Mr. Johnson.
Q Where did he live from there? A About 25 miles.
Q What did you do out there? A Farm.
Q Did you farm on the shares? A On halfers.
Q How long did you farm for Mr. Johnson? A Two years.
Q Where di you go from there? a Back to San Antonio.
Q What did you do in San Antonio then? A I worked around there until I got money to leave.
Q How long did you stay there? A Around there two or three xxxx months.
Q Where did you go from San Antonio then? A The excursion left there and I came to Wimer, Texas.
Q How long did you stay in Wimer, Texas? A Two years.
Q What did you do there? A I farmed.
Q Then where di you go to? A I came to the nation.
Q That don't tally with the number of years? A No wonder I stayed in Mexico so long I couldn't tell how long I stayed in Mexico.
Mr. Blue: I object to this, witness states that he does not know, and it is shown here and he has answered that I expect 20 times that he did not know, I object to this method of examining the witness, and I think it is not necessary to ask an old man 25 or 30 times, it does not seem to me to be lawyer like.
Q When was the forst child you had born in Mexico? A Elmira was the first one.
Q She was born in Mexico was she? A Yes sir.

Q What is her name now? A Elmira Daniels I guess.
Q Is she living? A No sir she is dead.
Q What is the next one? A Ruthie.
Q Did he die there? A Yes sir she died there.
Q What was your next child? Burrell H. was born in the city of Chihuahua.
Q You come to Texas about 6 months after Burrell H. was born?
A I don't know.
Q Aint that what you testified to awhile ago? A I don't ~~remember~~ recollect how old was he.
Q What did you tell me awhile ago? A I told you he was born in Chihuahua.
Q I asked you how old he was when ~~you went~~ you went to Texas you said he was born in Mexico, now how old was he when you left Mexico and went over into Texas to San Antonio. Didn't you testify awhile ago that when you went over into Texas he was 6 months old? A He may have been and may be been older.
Q Is that your best judgment? A Yes sir.
Q When was your first child born after you got over into Texas?

Mr Blue: I object to that for the reason that that must be about 6 or 8 times since that question was asked.

Q When was the first child born in Texas after you come from Mexico?
Mr. Blue: Th same objection as above.
A Mack was the first child born after I left Mexico.
Q He was born over there in Texas was he? A Yes sir.
Q The attorneys over here---you never did get act admitting you over here did you? A They made a bill and all signed it but the full bloods.
Q You never got any copy of the bill to file here did you? A They said they were going to give me a record.
Q Who said that? A All of them in council.
Q Who did you see there? A All of the men in the Senate where I went and made application.
Q Did they give a copy of the bill admitting you? A No sir they didn't admit me but said they were going to do it.
Q They never voted to admit you did they? A I don't know anything about the voting, they sent me a letter to come over there and put me on the Clifton Roll and you were there and saw that done.
Q Butler testified that you came back here in 1854? A I don't know, I was out doors when he made the talk.
Q You know he never testified to anything except your return?
A I don't know about that.
Q Was this man Lindsey present when you singed that contract?
A He was right there.
Q He heard Col. Bryant threaten to kill you down there did he?
A Yes sir.
Q Did he sign the paper as a witness? A I don't know what he done Bryant taken us and carried the paper in to the tent, I don't know what he did/
Q Did they have a paper over there in the Court in Mexico When the matter was tried. Did they have this paper over there in Mexico when Mr. Bryant had you up there? A Yes sir, had sold 7 niggers.
Q I mean this contract that you signed with him, did he have that over there? A Must have had it, I don't know whether he had it in court or not, he had it.
Q How many cattle do you say they drove across Texas into the Mexican side? A They claimed there was 1500.
Q These men that went along with Col. Brynat were not soldiers but

it was customary for everybody to be armed? A They were Mr. Bryant's soldiers, never quit him.
Q Did they march along all the time as a company of soldiers?
A Yes sir.
Q Then you don't know what year you left Mexico do you? A No sir.
Q You don't know what year this is? A No sir, I stayed there a long time, have to sum it up, I stayed I guess 10 years down there.

BY MR. BLUE:
Q Do you read and write? A No sir.
Q Can you sign your own name? A No sir.
Q Have you ever been able to read or write or sign you own name?
A No sir.
Q Now when this Mexican Governor took you and paid Col. Bryant $113.00 from that time on did he make any statement to you of how much you had earned or how much his account was? A No sir only told me to come to the ranch and work he would give me $6.00 per month.
Q Did you take your family with you? A Yes sir.
Q Did you ever work out there for him? A Yes sir.
Q Did he ever make any statement to you about how much principal and interest amount to and how much he owed you? A Never did.
Q And when this Jew come along he got $250.00 from him? A Yes sir.
Q Do you know how long you had been with the Governor when the Jew came along? A Something near 6 years.
Q Then you worked you think how long for the Jew merchant? A I think about 15 months until I worked out $250.00 at $16.00 a month.
Q That was for yourself and wife? A Yes sir, got $8.00 a piece.
Q And you think that was about 15 months? A Yes sir.
Q Then you stayed there 3 months more to get something to go away on that would make 18 months? A Yes sir.
Q Then you went over the line and worked there 18 months? A Yes sir I went on a sheep ranch and worked there about a year.
Q Who was that for? A The Mexican Governor.
Q That was in addition to the time before stated you worked for him? A Yes sir he took me off of the ranch and put me on a sheep ranch one year.
Q That would be 6 or 7 years you worked for him? A I would not be surprised if it wasn't 8 or 9 years.
Q Then you don't know how long you were over there? A I don't know, after staying there so long, I had a little girl by the name of Mimira that died there, she was 6 I think when she died.
Q You spoke about having gone over to Tahlequah to council, Mr. Hastings was asking you about a man that testified for you over there, did you meet him at Tahlequah? A No sir I met him at Gibson, he went on and on and said for me to come on and tell them what I knew about it.
Q You came back first to Muskogee then went over in the Cherokee Nation? A Yes sir.
Q When did you see Butler after that time? A I come here and went down where I found mother and stayed one year until next fall, and then I saw Mr. Butler.
Q You had been here then one year or a little more when you went to Tahlequah? A Yes sir.
Q And when you got there you found Mr. Bushyhead was Chief? A Yes sir.
Q Did you tell Butler when you come back? A Yes sir.

Q Then you mean that it had been about a year from the time you landed here or a little more when you saw Butler over there? A Yes sir.

BY THE COMMISSION:
Q When you started to Mexico with Col Bryant at the close of the war how many children did you have? A Lets see, I had Lewis, Abraham, Tom, Nancy, Burrell.
Q You had those children before you started to Mexico? A Yes sir before I started from there back.
Q Now I am talking about the children you had before you went there? A I had Lewis, Abraham, Tom, Nancy and Andy.
Q You had those children before you went to Mexico? A Yes sir.
Q You say you started down to Mexico with Col. Bryant at the close of the war? A Yes sir.
Q How many children did you have when you started down there?
A I had Lewis, Abraham, Tom, Nancy, and Andy.
Q How many of those children are living now? A Lewis is dead and Nancy, and Abe, I don't know where he is.
Q Did you leave Abe in Mexico? A Left him in San Antonio.
Q What children were born in Mexico? A Burrell was born there. the others died and were buried there.
Q Gove me their names? A Mimira, Ruthie, Burrell was the next .
Q After you came back to Texas how many children were born to you?
A Mack and Lizzie and Robert. Mack was twins, his mate died after he was born, then next Lizzie was born and then Robert after her. That was all born in Texas.
Q You haven't had a child born to you in the Cherokee Nation since the close of the war have you? A No sir.
Q Is your wife Miranda living? A No sir she is dead/
Q When did she die? A I August, 1903, I think.
Q Is Robert living? A Yes sir.
Q What about Thomas? A He is here.
Q And Mary, his daughter? A She is here.
Q And Louella, his daughter? A She is here.
Q What about the grand-daughter, is she living? A Yes sir.
Q Is your son Andy Daniels living? A Yes sir.
Q Where? A About a mile above me on Caney River.
Q Is his children all living? A Yes sir.
Q Do you know whether all of these are living or not, Millie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth? A Yes sir, they are all living.
Q Is Lizzie Shafer living, your daughter? A Yes sir.
Q Has she a child called Arlena? A Yes sir.
Q Is that child living? A Yes sir she has got three more now.
Q What about Mack, is he living? A Yes sir.
Q Has he a child called Mady? A Yes sir.
Q Have you a child called Lizzie Haynes? A Yes sir, that is my daughter.
Q Has she two sons, Burrell and Amos living? A Yes sir.
Q What about Mary Hill, she your child? A Yes sir.
Q Has she got two children, Alice and Adam? A Yes sir they are living.
Q What about Burrell H., is he living? A Yes sir.
Q Are all these children and grand-children of yours living in the Cherokee Nation for the last 4 or 5 years? A Yes sir, it has been longer than that, for the last 10 or 15 years.
Q All of them? A Yes sir, all that is living, all the oldest ones.
Q They have always made their home in the Cherokee Nation during the last 10 or 15 years? A Yes sir.

BY MR. HASTINGS:
Q What is Thomas Daniels wife name A Her name is Priscilla.
Q Where did he marry her? A When we come to Fake County, Texas.
Q What is his oldest child's name? A I have forgotten the oldest child's name, it is dead.
Q How long, was it named Mary? A Mary is here.
Q Did he have one older than Mary? A Yes sir, I I think so.
Q Where did that child die? A I think he said she had one child died, I left him at Fake County.
Q Where was Mary born? A She was born in Fake County.
Q Where was Louella born? A In Fake County, all born in Fake County.
Q Then Tom Daniels and his family came up here 5 or 6 years ago?
A Tom came before they did and stayed a year or so and then went back and got them.
Q Then he didn't bring his family until 5 or 6 years ago? A No sir he didn't.
Q Whose daughter is Julia? A Mary's daughter.
Q Where was she born? A Up on Caney River.
Q Is her mother a State woman? A I think so.
Q They don't claim through their mother, Thomas's wife? A No sir she died before he left Texas.
Q When did Tom first come here himself? A I couldn't exactly tell you, Tom was here before the Creek payment.
Q Before that payment of 1897, the Kerns-Clifton payment? A Yes sir before that.
Q Had his family come then? A No sir left his family.
Q About how long after that payment which was in 1897 before this family come? A He come here 5 or 6 months before the payment.
Q You said he come but not his family?, how long after that before his family come? A It was after the payment sometime.
Q Well how many years afterwards? A I don't know how many years after.
Q Well your best judgment? A I Couldn't tell you to save my life exactly how many years after, it was.
Q Has he been here two years I mean with his family? A Yes sir he was here before the payment.
Q How many years had he been here with his family? A He went back after the payment and got his family.
Q How many years after the payment before he brought his family here? A I don't know, it may have been 3 or 4 months, or 5 or 6 months.
Q Where did Andrew Daniels marry? A He married a year I left Texas.
Q Who did he marry, some colored girl in Texas? A Yes sir.
Q He don't claim for those children there with him? A I don't know
Q Does Andrew's wife claim citizenship here by virtue of her being a slave of a Cherokee citizen? A She don't claim to be a citizen only by marriage.
Q ~~Where was their eldest son Willie born?~~ A After they got here.
Q Did he and his wife come here when you and your folks come?
A Came with me.

BY THE COMMISSION:
Q Do you know the husband of Lizzie Haynes and the father of the children, he is a state man is he? A Yes sir.
Q Do you know Mary Hill's husband? A Yes sir.
Q Is he a state man? A Yes sir.

Q He doesn't claim any rights as a Cherokee freedman? A No sir.
Q Do you know the father of Julia Daniels? A A state man named Dickson.
Q Do you know Mack Daniels wife? A Yes sir, she is a State woman.
Q Do you know the husband of Lizzie Shafer? is he a state man?
A Yes sir, but his mother claimed he has a right, she claims he was put on the roll, I don't know.
Q Is Shafer here to-day? A No sir.
Q This Dora Daniels, the wife of Andy Daniels, and the mother of the children on card 395 is a Texas State woman? A Yes sir.

W I T N E S S E X C U S E D.

TOM DANIELS, being duly sworn, testified as follows:

BY MR: BLUE:
Q What is your name? A Tom Daniels.
Q What relation are you to Burrell Daniels, who has just testified? A He is my father.
Q Do you know your age Tom? A No sir, I don't.
Q Do you know about how old you are? A I have an idea I am somewhere in the neighborhood of 50.
Q Do you know Col. Bryant? A Yes sir, I did.
Q If you recollect, where did you first see him? A When I first opened my eyes to look at the gentlemen is when I was on the way to old Mexico. He used to make me sit and fan the flies off of him while he was asleep.
Q You remember him then do you? A Yes sir you bet I do.
Q Do you remember anything about where you started to go to old Mexico? A We started from some plantation in the Cherokee Nation,, I don't remember exactly where it was.
Q Do you remember anything about being in the Choctaw Nation about that time? A No sir I don't recollect about the Choctaw Nation.
Q If you remember, about where were you on your way to old Mexico when you first remember Col. Bryant, if you can fix any particular place, do so? A I remember of being on the road but I can't place just exactly where it was, we ~~camped~~ were camped you know.
Q Do you remember how you travelled on that trip to old Mexico?
Q Yes sir we travelled, it was in a train of wagons.
Q How did you yourself travel? A I was in a wagon.
Q Were there any horsemen that accompanied the party? A I think there was a committee along, they stayed to keep the Indians off of them they said going across the plains to Mexico.
Q Do you remember much about that? A No sir I don't remember so much about it.
Q Do you remember any place in that route by the name of Fort Stockton? A Yes sir, I remember Fort Stockton, Fort Clarke, and Fort Davis.
Q Were those paloes on the route to Mexico that you travelled?
A Yes sir.
Q Were you large enough at that time to ride a horse? A I don't exactly remember whether I was or not, I might have been.
Q ~~Do you remember being in old Mexico?~~ A Yes sir I do.
Q At what place in old Mexico do you first remember? A Chihuahua.
Q Do you remember any other place that you lived in Mexico? A Yes sir, we were at out on a sheep ranch for several years, I was a great big boy when we left there.

Q About what size boy were you when you left the sheep ranch? A I was a great big boy, about a half grown boy.
Q Do you remember of returning to Texas from old Mexico? A Yes sir I do.
Q To what place did you return in Texas when you left old Mexico?
A The first place was San Antonio, Texas.
Q About what size boy were you when you got there? A I ought to have been a good size child.
Q Do you remember about that? A Yes sir.
Q What did you do after you came to San Antonio? A I worked around my father would keep me hired out first one place then another, working for a salary until he left there, didn't stay there very long.
Q Do you remember whether or not you left there with him? A Yes sir I did.
Q To what place did you go with him? A Out west of San Antonio to some man's ranch they called Johnson.
Q How long did you remain there? A About two or three years, somewhere along there.
Q Did you live there with him? A Yes sir, I did.
Q To what place did you go then? A We went back to San Antonio after that.
Q How long did you remain at San Antonio after that? A I stay there no time, I went south.
Q To what place? A I was down there way below Wimer, down to a place they called,-- I forget now the name of the place.
Q Where did you leave the old gentleman when you separated from him? A In San Antonio.
Q After you left him there how long was it before you saw him again? A I don't know but I was working for a man named Hill when he moved up there.
Q Where did you next see your father after you separated from him at San Antonio? A I come to see him once before he left there to come to the nation.
Q Do you remember where you saw him at the last time before he came to the Nation? A Yes sir.
Q Where was he? A On the Hill farm.
Q Where was that? A In Texas.
Q Near what town? A Wimer, Texas.
Q Did you remain there with him? A No sir I didn't I went off.
Q After you saw him at that ranch there in the neighborhood of Wimer, Texas, where did you next see him? A I saw him here.
Q At what place? A Up here on Caney River.
Q In what Nation? A Cooweescoowee District, Cherokee Nation.
Q When was that? A That has been several years ago.
Q Had you moved up here then? A Yes sir I had moved, I didn't know where they were until--
Q Where were you living at that time? A Way below Wimer on a placed they called Navidad.
Q Did you bring your family up here with you when you came that time? A I brought two children along.
Q Did you leave them here or not? A They are here.
Q With whom did you leave them here in the Cherokee Nation? A I left them with my father.
Q What did you do after you came up here and left these children?
A I helped the old man farm and worked around first one place then another.
Q Did you go back to Wimer again? A Yes sir, after I brought my children up here see.
Q Were you up here before you brought any children up here, yourself? A Yes sir.

Q How long before you brought these two children up? A I was up here a month or so, I guess it was longer than that.
Q Were you up here at the time of any payment? A Yes sir, I was.
Q What payment was that? A It was the payment that was paid off up here at Lightening Creek.
Q Were you here before that time? A Yes sir.
Q How long? A Three or four months I expect.
Q How soon after that payment was it you turned back to the neighborhood of Weimer, Texas? A I went right away as quick as I could get a little money together and went down there to get my children, when I first come up here I come to see where my people were, I was considered lost from them.
Q Having found them here, you say you returned to the neighborhood of Weimer, Texas, then what did you do? A I didn't do anything but go right down there and get these children and come right back.
Q Were these all the children you had? A Yes sir.
Q Was your wife living at that time? A. ~~Xxxxxxxx~~No sir she wasdead
Q Was she a State woman or freedman? A State woman.
Q Have you since that time married again? A No sir.
Q What are your children's names? A One is named Louella, and one named Mary.
Q About what time did you come back to the Cherokee Nation with those children? A Kinder long up in the year I guess.
Q You mean in about the same tim in the year you were up to see your father at the time of the payment? A Yes sir.
Q Where have you resided since you brought those children up to the Cherokee Nation? A At my father's and down here at a fellow----
Q Have you resided in the Cherokee Nation since you brought those children up here? A Yes sir.

Commission: The Lightening Creek Payment referred to by the witness is the Kern-Clifton pay roll.

Q What is your recollection about the date of that payment, do you remember what year it was in? A I think it was between 7 and 8 years ago.
Q During the time you resided in Texas after your return to Mexico did you become a citizen of Texas? A In what way?.
Q Did you keep a home in Texas to which you intended to reside?
A No sir, it was my father's talk after he got away from Mexico he would lay down and talk about going to come home and get up a talking about wanting to come home.
Q Where did you intend to return to? A I calimed my hope right where I heard my parents talking about, and that was in the Cherokee Nation.
Q What purpose did you have in coming up here the time you first came? A I come to see where my people were, they left me and I didn't have any trace of any of them to know where they were, and I just got on the track of them travelling, there was a boy stayed down here at Checotah named William Johnson he got acquainted with my father, when he stayed down here, and he was the one that told me where my people were you know, and if he hadn't told me I don't know as I would have known yet where they were.
Q Were you ever at any time naturalized and made a citizen of Texas or any other state? A No sir.
Q During the time in Mexico, did you become a citizen ever there?
A No sir.
Q About how old were you when you left Mexico? A I guess I was about 12 or 13 years old, maybe 14.
Q Have you any judgment as to what your age was at that time? A No sir.

Q How old do you think you are now? A I think I am pretty close to 50 if I aint already 50, our father don't know much about our age cause he never kept no record of nothing.

BY MR. HASTINGS:
Q Your best judgment is that you were 12 or 13 years old when you left Mexico and went to Texas after the war? A Yes sir.
Q And you think you are about 50 now? A Right at 50.
Q Where were you married Tom? A I was married down in Texas.
Q At what town? A I was married near La Grange, Texas.
Q Were you living on a farm or in town? A On a farm.
Q Were you living with your parents then? A No sir.
Q About how old were you when you were married? A I don't know I ought to have been very near grown when I married.
Q What was your oldest child's name, didn't you have one to die?
A . Its name was Aleck.
Q Where was he born? A In Texas.
Q Near what place? A Near Weimer, Texas.
Q About 8 or 9 miles of Weimer? A Yes sir.
Q What were you doing out there? A Farming.
Q For whom? A I don't know the man's name.
Q Where was Mary born? A She was born in about 8 or 10 miles of Weimer.
Q Where was Louella born? A Not very far from the same place.
Q What was the first President you ever voted for, Grant? A If I voted at all I guess I voted for Grant.
Q What Congressman did you vote for down there? A I don't know sir.
Q What Governor did you vote for? A I guess I voted for the Governor of Texas if I voted for any.
Q Did you vote in a town? A No sir out in the country.
Q You voted in the country precinct then did you? A Yes sir.
Q Good many colored people in your vicinity? A Yes sir.
Q Did they have a colored precinct? A Yes sir.
Q And you went to this to vote? A I don't exactly know the meaning of precinct.
Q The place to cast your vote, you went to vote did you? A Yes sir.
Q How long did you vote down there until you came here in 1897?
A Yes sir.
Q You never voted in town because you didn't live in any of them?
A No sir never lived there.
Q Lived in the country all the time? A Yes sir.
Q Nexer did refuse you any right to vote just like anybody else?
A No sir they claimed that after a man was of age and in the country a certain limit of time he was allowed to vote.
Q Your vote never was challenged then? A No sir.
Q The first time you ever came here was during that payment in 1897? A Yes sir.
Q You never had been here before only when you were a baby? A I hadn't been here since I was carried off by Joel Bryant.
Q That was during the Lightening Creek payment in 1897? A I was here before the payment.
Q How long before the payment? A 5 or 6 months before the payment.
Q Were Kern-Clifton making a roll when you come? A That is what I heard.
Q Did you go before the Commission and ask to be enrolled? A No sir.
Q Did it close before you come? A Yes sir.

Q Did you come before the payment? A Yes sir.
Q Did you go before or after that payment? A I come before the payment.
Q I am trying to find out how long before the payment, the payment made out there at Lightening Creek? A About 5 or 6 months before the payment.
Q Where was your wife? A She was dead.
Q Where did she die? A X She had been dead several years.
Q Where were your children after your wife's death? A I kept them with me.
Q You never remarried? A Yes sir.
Q Did you marry the second time in Texas? A Yes sir.
Q Your wife and these children were still in Texas when you come up here just before the payment? A Yes sir.
Q And you never brought her or these children up here until after the payment? A No sir.

BY MR. BLUE:
Q About how long were you in old Mexico all together? A To my best recollection it seems to me that we ought to have been in old Mexico about 8 or 10 years I think.
Q If you were there 8 or 10 years how old were you when you went into old Mexico? A I guess two or three years old.
Q How old? A 3 or 4 or 5 years old.
Q You were big enough to keep the flies off of the old Colonel when you were going down there? A Yes sir.
Q What is your best judgment as to how old you were when you got into Mexico? A I think I was between 5 and 6 years old.
Q You say you did vote sometimes in Texas? A Yes sir.
Q About how many years had you been in Texas before you voted, fx do you remember? A I was in Texas several years before I voted.
Q Do you remember the month in which you returned with your wife and children? A No sir, I don't.
Q Do you remember what season of the year it was when you came back with them? A Yes sir, it was along in the spring of the year.
Q In crop time? A Yes sir.
QQ Did you make a crop that year in the Cherokee country after you come up? A No sir I didn't make any crop, I helped the old man to make a crop at home, my best remembrance I think it must have been along this time when I come back.
Q Along the latter part of May or first of June? A Yes sir.

BY THE COMMISSION:
Q How many years before you came up to the Cherokee Nation in 1897 did you see your father? A About 15 years to my best judgment.
Q And where was your father living at the time you saw him? A In Cooweescoowee District up here in the Cherokee Nation.
Q I am talking about down in Texas the last time you saw him?
A On the Hill farm.
Q Was that near Weimer or near San Antonio? A Near Weimer.
Q At that time you had a home of your own, you were married at that time? A Yes sir.
Q You were not living with your father? A No sir.
Q How far from his home were you living at that time? A About 15 or 20 miles.

W I T N E S S EXCUSED.

ANDY DANIELS, being first duly sworn testified as follows:

BY MR: BULGER:
Q What is your name? A Andy Daniels.
Q Are you some relation to Burrell Daniels? A I am his son.
Q Where were you born Andy? A I was bren somewhere about Doaksville.
Q Where is that? A Somewhere on Red River in the Choctaw Nation.
Q How old are you now about? A I think I am about 41.
Q Where were you when you can first recollect? A I was in Mexico.
Q What part of Mexico? A I couldn't tell you, I have heard.
Q In a town were you? A Yes sir.
Q How long did you stay in that town until you left it? A I was quite small but that time I couldn't really give; I guess it was somewhere along about 5 or 6 years.
Q Where did you go from that town? A To San Antonio.
Q Do you recollect distinctly of arriving in San Antoinio? A Yes sir.
Q About what age were you then, how large a boy? A I was getting to be a pretty good size boy I guess.
Q About how old, give your best judgment? A About 10 years old.
Q What did you do, or did you do anything in San Antonio in the way of work? A I commenced working around there in a hotel a little
Q What did you do in the hotel? A Wash dishes.
Q How long did you wash dishes in a hotel in San Antonio? A I don't know, not very long.
Q Were you living with your father and mother at that time? A Yes sir, they hired me out.
Q When did you leave San Antonio, and how long after you had been there did you leave the place? A To my best judgment I think we had been there about a year.
Q Where did you go? A Went out west.
Q How far west? A I don't know, 25 miles.
Q Did your family move out with you? A My mother and father went out there.
Q What did you do out there, your mother and father and you? A My father rented a farm there from a Mr. Johnson.
Q How long did you farm for Mr. Johnson? A We made two crops for him.
Q Where did you go from Johnson's? A We come back to San Antonio.
Q Then how long did you stay in San Antonio? A I don't think we stayed there much over a year, I think we left there a long in the fall.
Q Where did you start for? A I couldn't hardly tell you, I was pretty young then.
Q Did you go away with the family from San Antonio? A No sir.
Q Where did you go? A I get around there among the boys and stopped there.
Q Did the family leave you? A Yes sir.
Q And when did you next see the family? A It must have been about a year before I saw them.
Q Where did you see them at that time? A There on Hill's place.
Q Where is that place? A On Colorado River close to Weimer, Texas.
~~Q Did you go down to your parents? A Yes sir.~~
Q How long did you remain there? A I think I made a crop there, rented a little ~~[illegible]~~ piece of ground and he furnished me a yoke of cattle and I worked for myself and gather it and I left them there that fall.

Q About how old were you at this time? A I don't know.
Q Were you a grown man? A I don't know.
Q What is your best judgment of your age at that time? A About 19 years old.
Q Did you go some place from that Hill farm? A Yes sir, came up here.
Q Do you remember what year you come here in? A No sir.
Q What nation did you come to? A We come to the Cherokee Nation, landed here in Muskogee and there was a fellow that used to live here by the name of Tom Windy, and we had enough money to pay him to haul us down to Nivens Valley, my grandmother lived down there.
Q Have you lived in the Cherokee Nation continuously since your return? A Yes sir.
Q When you were in Texas did you ever hear your father and mother speak about coming back to the Cherokee Nation? A Yes sir, I have heard them talking lots of time.
Q What would they say? A I have heard the old lady talking about Grand Prairie and naming different places here in the Cherokee Nation, how they used to travel and how bad they wanted to come back.
Q Have you any recollection about the date when you arrived in the Cherokee Nation? A No sir.

BY MR. HASTINGS:
Q You don't know what year you come here in? A No sir I don't.
Q You don't know what year this is? A Well I guess I do.
Q Well tell it? A Looking at the almanac I suppose it would be about 1905.
Q Do you know how old you were when you come here? A No sir.
Q Were you about XI? A No sir, I was somewhere along about 19 when I come here.
Q Do you know? A No sir don't know that hardly.
Q Well did Tom come then? A No sir.
Q When did Tom first come? A He came sometime since then.
Q About what year did he come? A He has been in here 4 or 5 years I guess, as well as I can remember.
Q Do you know about how old young Burrell H. Daniels is? A I don't know sir.
Q What is your best judgment? A I couldn't tell you cause I dont remember when he was born.
Q Do you know where he was born? A He was born in Mexico.
Q Do you know how old he was when you left Mexico, and came over to Texas? A I don't know.
Q Was he a baby? A Yes sir, a pretty good size baby, about 6 or 7 years old I guess, or a little over.
Q When you left Mexico and come to Texas? A When we left Mexico and come to San Antonio.
Q Burrell was 6 or 7 years old? A I guess he was, I don't know when he was born.
Q If your father states he was 6 months old, he is mistaken? A I don't know, I was just guessing at it.
Q Where was Lizzie born? A She was born out there at Johnson's.
Q In Texas? A Yes sir, out west of San Antonio.
Q Where was Mack born? A In San Antonio.
Q Where was Lizzie Haynes born? A I think she was born out at Johnston's too.
Q Where was Mary Hill born? A In San Antonio.
Q How old do you say that Lizzie Shafer is? A I don't know sir how old she is.
Q Got no idea at all? A No sir.

Q Do you know how old Lizzie Haynes is? A No sir, I don't.
Q Get no idea, none at all? A No sir.
Q But you know that Mack and Mary and Lizzie Haynes and Lizzie Shafer, those four were born in Texas weren't they? A Yes sir.
Q Did any children die who were born in Texas to your father and mother? A There was my oldest sister died there in San Antonio.
Q Any that was born in Texas, was she born in Texas? A No sir she was born in the Nation.
Q Before the war? A I don't know when it was.
Q You were born in the Cherokee Nation but you never was in the Cherokee Nation until you were 19 or 20 years old? A Well I suppose that was my age.
Q You never was here before that? A No sir.

BY THE COMMISSION:
Q Did you go with your father to the Cherokee Nation? A Yes sir
Q Who was in that party? A Mary, Mack and Robert, they all came up withhim excepting Tom.
Q Tom and his family? A Yes sir.
Q Did your mother come? A Yes sir.
Q What was your wife's name? A Dora Daniels.
Q Is she a state woman? A Yes sir.
Q You married her in Texas did you? A Yes sir.
Q Did your wife, Dora, come with you and the children? A Yes sir.
Q How many children come with you to the Cherokee Nation? A None
Q All born in the Cherokee Nation? A Yes sir.
Q How long were you married before you came to the Cherokee Nation
A Just as soon as we got the crop gathered.
Q Are these children all living? All living.
Q Your wife doesn't claim any rights as a Cherokee freedman, does she? No sir.
Q Whatever rights they claim, they claim through you? Yes sir.

BY MR. BULGER:
Q Why did you and your father and his family come to the Cherokee Nation when you did come? He made a kinder of a come out that year with a little money so we could travel.
Q Why had you not come before that time? A Never had been able to, never had had enough to travel any distance, all we could do was to live.
Q How did you happen to come out with more money that year? A I think they made different arrangements in raising the crop and had pretty good luck that year with the crops.

BY THE COMMISSION:
Q Did you always stay with your parents up until the time you were married? A All excepting that year I stopped off in San Antonio.
Q Were you living with your father when you married? A Yes sir
Q You and your wife stayed on that same farm with your father?
A Not exactly on that farm, but on the same man's farm.

W I T N E S S E X C U S E D.

JOHN CROSS, being duly sworn, testified as follows:

BY MR: BULGER:
Q What is your name? A John Cross.

Q Where do you live? A 8 miles east of Fort Gibson.
Q How old are you? A I suppose I must be about 50 years old.
Q What is your business or occupation? A Farming.
Q How long have you been farming? A I have been farming all my days.
Q In what country and states have you farmed? A I farmed in Texas the first of my farming was done in Texas.
Q How long did you farm in Texas? A I really don't know just exactly how long I couldn't just get at it, just how long, but it was quite awhile.
Q Did you own a farm in Texas of your own? A No sir.
Q How did you farm? A I worked on the halfers.
Q What do you mean by working on the halfers? A I mean they furnished everything and give me half of the crop, and I would get rations from a commissary, and they get their pay for it out of my part of the crop.
Q To whom did the commissary belong? A To the boss of the place.
Q Did you farm in the same neighborhood in Texas where Burrell Daniels did? A No sir.

WITNESS EXCUSED.

BURRELL DANIELS RECALLED:

BY MR. BLUE:
Q During the time that you were in old Mexico as you have heretofor stated, did you, at any time, vote there? A No sir.
Q Did you take out any naturalization papers there and become a citizen there? A No sir, never did.
Q Have you ever at any time taken out any naturalization papers and become a citizen of any other state or country than the Cherokee Nation? A No sir.
Q Did you ever vote in Texas? A Never did/

BY MR. HASTINGS:
Q Never voted in the Cherokee Nation did you? A Don't know as I ever voted there either.

BY THE COMMISSION:
Q You testified that at Fort Stockton there were several Cherokee slaves there, do you know whether any of them are living now besides those of your own family? A Yes sir, some of them left and went to El Paso.
Q Did any of them ever return to the Cherokee Nation? A Not as I know of, went to El Paso, most of them did.
Q I am asking about those slaves that were with you at Fort Stockton, not a one returned that you know of? A No sir.

WITNESS EXCUSED.

APPLICANT RESTS.

R.W.LINDSEY RECALLED:

BY MR. HASTINGS:
Q You are the same witness that was on the stand in this case this

morning? A Yes sir.
Q Is it true that Burrell Daniels life was threatened or that he was compelled by Col. Bryant or any one acting in his behalf to start with him to old Mexico from the State of Texas after the war?

Mr. Blue: I object to that as being incompetent, immaterial, and irrelevant and is calling for a conclusion of this witness and not attempting to get any facts in the case.

A No sir nothing of the kind that I am aware of or ever heard tell of, everything was amicable.
Q Did Burrell Daniels desire to go with Col. Bryant to Mexico?
A Yes sir, he seemed that way.

Mr. Blue: I offer the same objections as above.

Q Was he advised that old Mexico was a free state and was that ~~xx~~ your understanding at that time? A I don't know what advice but it was understood that Mexico was a free state.
Q Was there any soldiers taken along with Col. Bryant to guard these people to keep them from running away? A No sir.
Q At Fort Stockton were the colored people lined up and compelled to sign agreements and was Burrell Daniels compelled under threat of having his life taken of signing that agreement to pay Col. Bryant for his transportation for himself and family over to old Mexico?
Mr. Blue: I offer the same objections as above.

Q If Burrell Daniels stated that, is that true?

Mr. Blue: Same objections.

A No sir.
Q Were any threats made against his life at that time?

Mr. Blue: Same objections.

A No sir.
Q The applicant just made a statement her to the effect that Col. Bryant got about 1500 head of ~~xxxxx~~ cattle and drove them across there into old Mexico, I am frank to say that I don't see that that cuts much figure in this citizenship matter, but I want to ask you if that is true? A No sir.

Mr. Blue: I want to object to that for it contains a suggestion of the council, and sam reasons as above.

Mr. Hastings: In answer to the above objection council for the Cherokee Nation desire to state that this question is asked purely for the purpose of contradicting the other witness, and while it is upon an immaterial point, yet if this other witness would go so far as to make such an absolute false statement as the one he did make with reference to these cattle, it would be a tendency to show the Commission and the Secretary of the Interior of the false statement of this witness.

Mr. Blue: In reply I desire to say that it is wholly gratuitous for he cannot be impeached upon an immaterial question, and further than that the present witness is quite as impeachable as the other witness.

Q Did he have any cattle other than you said? A No sir, he had a few milk cows and some beef cattle.
Q And you say it is absolutely without foundation? A Yes sir, without foundation and false.
Q And you say it is absolutely without foundation and it is false that he was compelled to go to Mexico or compelled to sign this contract? A Yes sir.

Mr. Blue: I object to that, it is incompetent, immaterial, and irrelevant, is a leading question and I object to it on that ground.

Q Did Col. Bryant have any soldiers along with him at all? A As I said I thought there was 10 or 12 men that some 4 or 5 of them had belonged to some other command, I don't think there was but one man that belonged to his regiment.
Q And they just went along as a party? A Yes they knew him.
Q Did you hear any remark made by Col. Bryant to the effect that Purrell Daniels would be killed and the wolves would eat his bones if he didn't sign that paper at Fort Stockton? A No sir.
Q You were there when it was signed, witnessed it? A Yes sir.
Q You say that Purrell Daniels was given his discharge papers by Col. Bryant at that time? A Yes sir, before he signed the others.
Q Was he told that he was a free man at that time. A He says this is the first act ~~that~~ Purrell that you have done as a free man. There was me and few of the members of Mr. Bryants family, and about two other men besides myself when it was going on.

BY MR. BLUE:
Q Was there any man of adult age that was along with you at that time that hadn't been in the Confederate army? A I don't think there was, there might have been.
Q The fact is that all of those men that were of sufficient age had been in the Confederate services and were all leaving the country because they didn't like to stay here with the Yankees? A Well I don't know.
Q You were leaving for that purpose? A He might have left for that purpose.
Q Your father-in-law and his four sons-in-law all of whom had been in the Confederate army were going to old Mexico? A Yes sir.
Q And Lieut? or Capt. Stewart was along? A Yes sir.
Q And these two officers of his regiment? A No sir, only one officer of his regiment Lieut. Thomas, and Dr. Powell belonged to Col. Bryant's regiment, Capt. Stewart belonged to the First Cherokee regiment.
Q He had some Confederate soldiers along with him? A I don't know whether you would call them soldiers or not.
Q And all these men including your father-in-law and his sons-in-law were along, were they? A Yes sir.
Q And Col. Bryant freed these people at Fort Stockton about 200 miles from any settlement? A Yes sir.
Q And they had no teams or anything of conveyance? A Yes sir.
Q Do you not think, Mr. Lindsey, that it was a very singular proceeding for the former master and owner of slaves at such a place as Fort Stockton, many miles from any settlement in a ~~country~~ comparatively desert country and without any means of conveyance or anything to subsist on until they could get to a settlement to go through the form of releasing them from slavery there, and then ask them to sign a contract to work for him in old Mexico until they could pay him a bill for carrying them from Texas over into old Mexico?

Mr. Hastings: Objected to because this question is purely a matter of argument and is not cross examination of any fact of its developement.

A From one aspect it would look to be peculiar, but I will state, as I have formerly stated that from the start from Warren, Texas, that with these people it was all entirely amicable and that there was no friction whatever at all existed between Col. Bryant and his slave, Burrell, that there was as mutual understanding as could be between master and slave.
Q Under this contract about which you have testified, which was agreed as I understand it that Burrell Daniels signed by his mark a contract agreeing to pay Col. Bryant $500.00 for conveying him and his family over to old Mexico from the starting point in Texas? A All is correct except the amount, I don't know about that, I don't remember the amount.
Q Were you present when this case was tried in the Mexican or French courts as they had there? A No sir.
Q Do you know anything as to the amount Col. Bryant claimed when he got to Mexico? A I do not know sir.
Q You say under that contract he enforced that contract against Burrell Daniels in Mexico and collected the money on it? A Yes sir
Q Now you have stated about some cattle, is it not a fact that Col. Bryant, before he started to old Mexico traded some slaves for some cattle? A Yes sir.
Q You know Mr. Baugh? A Yes sir.
Q How long have you known him? A About 51 years nearly.
Q If Mr. Baugh in his testimony stated that Capt. or Lieut. Stewart had a company of 15 or more men with him there, he was mistaken?

Mr. Hastings: I want to object to that because that is not his statement and the record will not show so, but the record will show that a number of men were along, but the record will not show that he had a company of men.

Q If Mr. Baugh did state in his testimony in this case today that there was a number of armed men along with this party with Lieut. or Capt. Stewart, in your trip to old Mexico, he was mistaken was he? A Yes there was a number of men along and armed, and Capt. Stewart was along but he had no command and did not act as commander, he was or had been a Captain and was called Captain.
Q If I understood you this morning you stated that all the party that was at Fort Stockton crossed over into old Mexico with you, am I right about that? A About making that statement, I don't remember but about all the party that was at Fort Stockton, not exactly all there was a few that came from Missouri, they joined us but didn't go on to Mexico.
Q Didn't you state this morning that all the party that was at Fort Stockton crossed over into old Mexico? A I don't know whether I did say it or not, I might have.
Q If Mr. Baugh stated on the stand that a part of the boys of the company that was along in that march from Texas to old Mexico, left it was incorrectly? A Yes sir.
Q There were some men along that didn't have any arms? A It is possible, there might have been there was a transent party along.
Q Did your party take any cattle into old Mexico with you? A No sir.

Q Did any parties join your party with some cattle after they started? A Yes sir.
Q Who were they? A Capt. Stewart, Major Hanlin, and man they called Johnson, and a young man called Poe, and Lieut. Thomas and Dr. Powell.
Q How many cattle did they have? A Something like 200 maybe a little more, or a little less.
Q Then after all there was a herd of cattle along there with you besides the cattle of Col. Bryant? A Yes sir.
Q You don't know how many head there was of them? A From my best recollectio n there wa s some 200 maybe more or less.
Q You don't swear to the exact number? A No sir I never counted them.
Q Wasn't Capt. Stewart and this man with you before they went back after those cattle? A No sir.

BY MR. HASTINGS:
Q Did Col. Bryant have anything to do with those cattle? A No sir.
Q What relation was that with Indians? A It was pretty good country for Indians, I recollect once ~~xxk~~ where the Indians run off and left a place.
Q You people went armed as individuals but there was no company of soldiers? A Nothing of the kind.

BY MR. BLUE:
Q Where was that you jumped up these indians? A Up on the head of what they called Brady Creek.
Q How far was that from Fort Stockton? A Somewhere between 75 and 100 miles.
Q And that was the country in which Col. Bryant freed his slaves? A Yes sir.
Q Did they have any arms to protect themselves? A I didn't see any.
Q No means of protection or nothing to eat? A I have answered that two or three times.

BY THE COMMISSION:
Q How far did you say Stockton was from Chihuahua? A I couldn't say exactly, about 400 miles.
Q How long did it take you to travel from Fort Stockton to that place? A We travelled at the rate of 15 or 20 miles per day, perhaps we were on the road 15 or 20 days.
Q Do you mean that was on the travelled ~~xxxx~~ route? A Yes sir.
Q How far as the crow flies, how far is it? A Perhaps I struck off a good deal, about 200 to 250 miles perhaps.
Q There was no rail roads at that time? A No sir.

W I T N E S S E X C U S E D.

BY THE COMMISSION:

As far as the evidence in this case is now closed, and the case is submitted on the record. By the mutual consent and stipulation of the parties the case will be written up and briefs

will be allowed to be filed by the representatives of the applicant, and the Cherokee Na tion then 15 days.

T H I S C A S E I S N O W C L O S E D.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographis notes thereof.

(Signed) George H. Lessley.

Subscribed and sworn to before me this 13th day of June, 1905.

(Signed) Edward Merrick.

Notary Public.

Mabelle Cohenour, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a correct copy of the original transcript.

Mabelle Cohenour.

Subscribed and sworn to before me this 26th day of June, 1905.

Chas E Webster
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Burrell Daniels et al.	Cherokee Freedmen	N	40,
Andrew Daniels et al.	Cherokee Freedmen	D	661,
Lizzie Shafer et al.	Cherokee Freedmen	D	916,
Mary Hill et al.	Cherokee Freedmen	D	917,
Lizzie Haynes et al.	Cherokee Freedmen	D	941,
Mack Daniels et al.	Cherokee Freedmen	D	1060,
Thomas Daniels et al.	Cherokee Freedmen	D	1100,
Burrell N. Daniels	Cherokee Freedmen	D	1101.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Burrell Daniels, for himself and wife, Moranda Daniels, and minor child, Robert Daniels; by Andrew Daniels, for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer, for herself; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arlena Shafer; by Mary Hill, for herself and minor child, Alice; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Adrum Hill; by Lizzie Haynes, for herself and minor child, Edward Haynes; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Amos Haynes; by Mack Daniels, for himself and minor child, Mady Daniels; by Thomas Daniels, for himself and minor children, Mary, Lewella and Julia Daniels; and by Burrell N. Daniels, for himself.

The evidence shows that the said Burrell Daniels and his wife, Moranda, together with their children, Nancy Daniels, now deceased, and Thomas Daniels, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they were taken out of the Cherokee Nation and did not return thereto until sometime after the year 1879; that the said Andrew Daniels was born during the war of the rebellion and came to the Cherokee Nation with his father and mother on their said return. All the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Burrell, Moranda, Thomas, Nancy or Andrew Daniels.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Burrell Daniels, Moranda Daniels, Robert Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Susie Daniels, Thomas Daniels, son of Andrew Daniels, Burley Daniels, Essie Daniels, Minnie Daniels, Miranda Daniels, Ruth Daniels, Lizzie Shafer, Arlene Shafer, Mary Hill, Alice Hill, Adren Hill, Lizzie Haynes, Edward Haynes, Amos Haynes, Mack Daniels, Mady Daniels, Thomas Daniels, Mary Daniels, Lovelle Daniels, Julia Daniels and Burrell M. Daniels, as Cherokee freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this JAN 18 1904

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen, consolidating the applications of:

Burrell Daniels, et al.,	Cherokee	Freedman	R 40,
Thomas Daniels, et al.,	"	"	R 391,
Andrew Daniels, et al.,	"	"	R 395,
Burrell H. Daniels,	"	"	R 390,
Lizzie Haynes, et al.,	"	"	R 393,
Mack Daniels, et al.,	"	"	R 392,
Mary Hill, et al.,	"	"	R 394,
Lizzie Shafer, et al.,	"	"	R 396.

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D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Burrell Daniels for himself, his wife, Miranda Daniels, and minor son, Robert Daniels; by Thomas Daniels for himself and minor children, Mary and Louella Daniels, and minor grandchild, Julia Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Burrell H. Daniels for himself; by Lizzie Haynes for herself and minor child, Edward Haynes. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on January 29, 1902, of Amos Haynes, child of the applicant Lizzie Haynes; by Mack Daniels for himself and minor child, Mady Daniels; by Mary Hill for herself and minor child, Alice Hill. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on March 10, 1902, of Adran Hill, daughter of the applicant, Mary Hill; and by Lizzie Shafer for herself. Thereafter on June 4, 1902, there was filed with the Commission an affidavit showing the birth, on May 1, 1902, of Arlena Shafer, daughter of the applicant Lizzie Shafer.

THE RECORD FURTHER SHOWS: That, On January 18, 1904, the Commission rendered its decision herein, denying said applicants the right to enrollment as Cherokee freedmen; that on June 24, 1904 (Departmental letter I.T.D. 5040-04), said decision of the Commission was affirmed by the Department; and that, thereafter, on December 12, 1904, a motion for review was filed with the Department, on behalf of the applicants in this case, the same being submitted to the Assistant Attorney-General for his opinion thereon; that, on May 13, 1905, (Departmental letter I.T.D. 5330-05), the Department, in accordance with opinion of the Assistant Attorney-General, rendered May 9, 1905, rescinded its decision of June 24, 1904, and returned the record in this case with instructions to "institute a rehearing in the matter"; and that, on June 8, 1905, further proceedings in the matter of said application were had before the Commission at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as Cherokee Freedmen.

The following points in this case are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Burrell and Miranda Daniels, are the parents of Robert, Thomas, Andrew, Burrell H., and Mack Daniels, and Lizzie Haynes, nee Daniels, and Nancy Newton, nee Daniels, deceased; and that all the other applicants herein are descendants of certain of the above named persons, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(2) That the applicants, Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and that, after the close of said rebellion, the three applicants first above mentioned returned to the Indian Territory during the following years; Burrell and Miranda Daniels in 1884, and Thomas Daniels in 1897. The said Nancy Newton, nee Daniels, deceased, never returned to the Indian Territory, after the rebellion, she having died in Texas prior to the year 1864.

(3) That all the applicants herein except Burrell, Miranda and Thomas Daniels, were born since the commencement of the rebellion.

(4) That those applicants herein who were in being at the close of the rebellion, together with the said Nancy Newton, nee Daniels, deceased, were taken, by one Joel M. Bryant, from Texas to Mexico during the year 1865, where the said Burrell Daniels and his family remained until about the year 1872, when they removed to Texas and con-

tinuously lived therein till their return to the Indian Territory as above indicated.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Burrell and Miranda Daniels, with their family, voluntarily accompanied Joel W. Bryant and party from Texas to Mexico during the spring and summer of 1866; that they remained in Mexico till 1872, when they removed to Texas, became domiciled citizens of that state, and continuously lived therein till their removal to the Indian Territory during the years 1884 and 1897; and that none of the applicants herein have ever been admitted or readmitted to citizenship in the Cherokee Nation.

And it is further considered that the evidence in this case shows that upon their return to the Indian Territory, after the rebellion, neither the applicants Burrell, Miranda and Thomas Daniels, nor the applicants herein claiming through them, nor those claiming through Nancy Newton, nee Daniels, deceased, established a residence in the Cherokee Nation, but rather in the Creek Nation, where they continuously resided till subsequent to the year 1896.

None of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither of the applicants, Burrell, Miranda, or Thomas Daniels, nor Nancy Newton, nee Daniels, deceased, became domiciled citizens of the Cherokee Nation within the time specified by the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

And it is further considered that, granting that those applicants herein born prior to the close of the rebellion, and the said Nancy Newton, nee Daniels, deceased, were, on or prior to February 11, 1867, domiciled citizens of the Cherokee Nation, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Burrell Daniels, Miranda Daniels, Robert Daniels, Thomas Daniels, Mary Daniels, Louella Daniels, Julia Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Susie Daniels, Thomas Daniels, Burley Daniels, Essie Daniels, Minnie Daniels, Miranda Daniels (daughter of Andrew Daniels), Ruth Daniels, Burrell H. Daniels, Lizzie Haynes, Edward Haynes, Amos Haynes, Mack Daniels, Mady Daniels, Mary Hill, Alice Hill, Adran Hill, Lizzie Shafer and Arlena Shafer, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,

this Sep 25 1905.

Cherokee Freedmen R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-o-o-o-o-o-

" WALLACE ROLL. "

Office No.	Wallace No.	Names	Age	Sex	Residence
2314	245	Daniels, Burrell	60	M	Creek Nation
2315	246	" Miranda	61	F	" "
2316	247	" Burrell Jr.	18	M	" "
2317	248	" Mack	16	M	" "
2318	249	" Lizzie	14	F	" "
2319	250	" Robert	12	M	" "
2320		" Mary	10	F	" "
2321	251	Newton, Lizzie	8	F	" "

—:0:—

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on page 100 of the Wallace roll, and that said Wallace roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Burrell Daniels, et al. Cherokee Freedmen R 40 et al.

Tams Bixby.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 25 1905

Cherokee Freedman R 40 et al.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-1-

Census of _____ Citizens residing in _____ District, Cherokee Nation, authorized by an Act of the National Council approved April 15, 1893.

No.	Name	Age	Male	Female	By whom Identified	Remarks
94	Burl Daniels	20	"		Elizabeth C. Thompson J. Thompson by certificate	Living in Creek Nation
95	Harvey Daniels	15		"		Never lived in Cherokee Nation since 1861.
96	Burrell Daniels Jr	13	"			
97	Hack Daniels	10	"			
98	Lizzie Daniels	15		"		
99	Robert Daniels	12	"			
100	Mary Newton	22		"		Orphan grandchildren
101	Lizzie Newton	16		"		
102	Mary Newton					
103						
104	Andy Daniels	26	"			Living in Creek Nation
105	Willie Daniel	10	"			
106	Louie Daniel	7	"			
107	Thomas Daniel	5	"			
108	Susan Daniel	3		"		
109	Essie Daniel	2		"		

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on Page 4, Sunning District, Census Roll of 1883, and that said Census Roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Harrell Hendricks, et al., Cherokee Freedmen R 40, et al.

Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 25 1905

Cherokee Freedmen R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-o-o-o-o-o-

CHEROKEE FREEDMAN PAY ROLL.

Roll No.	Office No.	Names	Age	Sex	P.O. Address
4508	4446	Daniels, Andrew	21	M	Cooweescoowee Dist
4511	4447	" William, son	18	M	" "
4513	4448	" Louis, "	"	M	" "
4514	4449	" Ben "	"	M	" "
4515	4450	" Susie, dau.	"	F	" "
4516	4451	" Rosie, "	"	F	" "
4517	4452	" Minnie "	"	F	" "

4501	4453	Daniels, Burrell	44	M	Creek Nation
4506	4454	" Burrell Henry son	19	M	" "
4507	4455	" Hank "	16	M	" "
4508	4456	" Lizzie, dau	17	F	" "
4509	4457	" " Robert, son	15	M	" "
4510	4458	Newton, Mary gr. dau.	10	F	" "
4511	4459	" Lizzie " "	12	F	" "
4524	4462	Daniels, Tom	36	M	On Orig. Ann Cooweescoowee Dist.

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on pages 141 and 142 of the Cherokee Freedmen Pay Roll; and that said roll is now in the lawful custody of this Bureau.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Harrell Daniels, et al., Cherokee Freedmen R 40, 56 al.

Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 25 1905

20 FD 1089

IN RE

Application for Enrollment of

INFANT CHILD

Mady Daniels

as a citizen of the

Cherokee Nation.

Approved Sept 24 1902

[illegible] Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1902

[illegible] Secretary

IN RE

Application for Enrollment of

INFANT CHILD

Mady Wanula

as a citizen of the

Cherokee Nation.

Approved Sept 24 1902

[illegible] Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1902

[illegible]
ACTING CHAIRMAN

In the Matter of the
Application of Mack Daniels
to have his Child Ella Daniels as a citizen

Henry Taylor being sworn says he is well
acquainted with Mack Daniels and
his wife Ella Daniels and knew them
in March 1896 at which time they
lived in Muskogee Creek Nation
He further says he does not know
the precise date but while they
lived in [illegible] house in the Spring of
1896 his wife gave birth to a girl
child and they named it Mary or
Mady. it was called Mary.

Henry Taylor

Sworn to & Subscribed
upon me this 20th day of
March 1902

Ernest Brown
Notary Public

My Com. Ex. [illegible]/06

BIRTH AFFIDAVIT

[illegible] THE INTERIOR,

[illegible]

Name of Father: [illegible]

Name of Mother: [illegible]

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Mack Daniel, on oath state that I am 25 years of age and a citizen, by [illegible], of the Cherokee Nation; that I am the lawful husband of Ella Daniel, who is a citizen, by [illegible], of the [illegible] Nation, that a female child was born to her on the 22 day of March 1906; that said child has been named Mary Daniel, and is now living. Not my wife this child father now lives between [illegible] and [illegible] and refuses to make any affidavit. Mack Daniel

WITNESSES TO MARK:

(Must be Two Witnesses.) { [illegible]

Subscribed and sworn to before me this 22nd day of September 1906

Adeline T. Lasley (Carlin)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Francis Cherry, a female, on oath state that I attended on Mrs. Ella Daniel, wife of Mack Daniel, on the [illegible] day of [illegible], 1906; that there was born to her on said date a female child; that said child is now living and is said to have been named Mary Daniel. [illegible] Mack Daniel [illegible] a [illegible] Martin [illegible] Donnell almost [illegible] at the same house

WITNESSES TO MARK:

(Must be Two Witnesses.) { [illegible] Francis Cherry

Subscribed and sworn to before me this 22 day of September 1906

Adeline T. Lasley (Carlin)
Notary Public.
[illegible] expires [illegible]

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR
CHAS. J. BONAPARTE, CIVILIZED TRIBES.
FILED
MAR 19 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mady Daniels,
Vinita, I. T.
Cherokee F-D-369.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED T
FILED
OCT 25 1901
ACTING C

CHEROKEE ENROLLMENT

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Oct 25, 1901

Post Office Tahlequah

District Sevo

1. Name Mark Daniels Age 25

Owner's name Citizenship

Year K.b. Page 181 No. 4455 District Creek Nation

Parents:

Father Murrell Daniels, living Citizenship Cherokee

Mother Mary " " living Citizenship " "

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

1. Wady Daniels Year Page No. Dist. 6

2. Year Page No. Dist.

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Stenographer Chas. M. Wise

No 1. Proof of marriage required

No 2. Birth Cert.

No 1 on Ward Roll p. 109 - #2317 - Creek Nation

Ref. R40

VB F.D. 069

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 21 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date [illegible]

Post Office [illegible]

District [illegible]

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. [illegible] Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by [illegible] Stenographer [illegible]

[illegible]

COPY

Cherokee Freedmen
D-1089.

Muskogee, Indian Territory, January 19, 1904.

Mack Daniels,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Mady Daniels, as Cherokee freedmen, together with a copy of the Commission's decision dated January 18, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B.

Commissioner in Charge.

Enc. D-71.

Register.

COPY.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, and Lizzie and Arlena Shafer as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-80.

(COPY)

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, Jan. 19, 1904.

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Burrell Daniels et al., including the commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, Lizzie and Arlena Shafer as Cherokee freedmen.

Respectfully,

T. B. Needles,

Enc. D-81.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

[illegible]

[illegible]

[illegible]

The [illegible],

The Secretary of [illegible]

Sir:

I have the honor to enclose, herewith, a report [illegible] Commission to the Five Civilized Tribes, transmitting [illegible] of the application for enrollment as Cherokee Freedmen of Burrell Daniels for himself and his wife Miranda Daniels and minor child, Robert Daniels; by Andrew Daniels for himself and minor children Willie, Lewis, Susie, Thomas, [illegible], Susie, Minnie, [illegible] and Ruth Daniels; by Lizzie Shafer for herself and minor child [illegible] Shafer; by Mary Hill for herself and minor children, Alice and Adran Hill; by Lizzie Hayne for herself and minor children [illegible] and Amos Hayne; by Mack Daniels for himself and minor child, Mary Daniels; by Thomas Daniels for himself and minor children, Mary, Leoplie, and Julia Daniels, and by Burrell H. Daniels for himself.

January 16, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Burrell Daniels, and Miranda, his wife and his minor child, Thomas Daniels were the slaves of a Cherokee citizen at the commencement of the war of the rebellion; that during the war they were taken out of

the Cherokee Nation; that after the war they were kidnapped by one Col. Bryant and carried into Mexico and sold into peonage; that in 1871 they were released from servitude and arrived in San Antonio, Texas, during that year; that they did not return to the Cherokee Nation until the year 1884. The other claimants have no rights except as derived from Burrell, Miranda or Thomas Daniels.

Under date of January 16, 1897, this office submitted for consideration and approval the Kern-Clifton roll of Cherokee freedmen. With reference to Burrell Daniels the office said:

"Commissioners Clifton and Kern join in especially requesting the Department to place upon the roll the name of Burrell Daniels No. 4501, and his family. These Commissioners state as follows:

"It was not in the power of the Commission to do this because the evidence shows that he did not return until 1870 or later, but the evidence also shows that at the conclusion of the war he was sold by his owner, a Cherokee, into slavery into Mexico, and kept there for five years, until by the interference of this government, he was taken from Mexican slavery and at once returned to the Cherokee Nation. He and his family are estimable citizens, and these two Commissioners believe that the Cherokee Nation, whilst not willing to recommend his enrollment, yet would not be adverse to having him enrolled."

The same question was raised in this case before Commissioner Wallace, and the facts as stated by these Commissioners and as stated by Mr. Daniels himself in his testimony, submitted by them, are corroborative of the testimony as given before Commissioner Wallace, and upon [illegible], he was enrolled by the Department. While under a literal interpretation of the language

of the treaty he might be entitled to enrollment, it was certainly not the spirit of the treaty to exclude persons of this class."

By letter of January 16, 1897, (Int. Div.5076-1896) the Department approved the enrollment of Burrell Daniels.

It does not appear necessary to pass upon the question of the duress of the claimants, Burrell, Miranda and Thomas Daniels during the period alloted for the return of Freedmen to the Cherokee Nation ending February 11, 1867, for the reason that they do not appear to have made proper effort to return to the Cherokee Nation and claim their rights. On the contrary it is shown that it took them thirteen years from the time of their release from peonage to get to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMM

C

W.C.F.

J.F.

D.C.21703-1904 FMS

I.T.D. 5040-1904.

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 24, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1904, you transmitted the record in the consolidated case embracing the applications of Burwell Daniels et al (F.R-40 et al), for enrollment as Cherokee freedmen, including your decision of January 18, 1904, rejecting said applications.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

Cherokee Freedmen
D 1089

Muskogee, Indian Territory, June 30, 1904.

Mack Daniels,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your minor child, Mady Daniels as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1101, et al.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting the applications for the enrollment of Burrell H., Thomas, Mary, Louella, Julia, Mack, Mady, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell, Meranda and Robert Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, and Lizzie and Arlena Shafer as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 40, et al.

Muskogee, Indian Territory, July 9, 1904.

William M. Cravens,

Attorney for Burrell Daniels, et al.,

Muskogee, Indian Territory.

Dear Sir:

In accordance with your request there is herewith inclosed to you a copy of the testimony in the consolidated case of Burrell Daniels, et al., Cherokee Freedmen Nos. R 40 and R 300 to R 306, inclusive, together with a copy of the Commission's decision rejecting the applicants, and a copy of the Department's letter of June 24, 1904, affirming the Commission's decision.

Respectfully,

Encl. V-10

Commissioner in Charge.

COPY.

J. R. W.
W. O. P.
S. V. P.

I. T. D.
1706-1905
9407, 10081-
1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

WASHINGTON, May 9, 1905.

The Secretary of the Interior.

Sir:

I received by reference of February 10, 1905, for opinion thereon, the motion of counsel for the Cherokee freedmen for reconsideration of departmental decision of March 22, 1904, approving my opinion of that date, and by reference of February 18, 1905, for consideration in connection therewith, the record in the consolidated case of Burrell Daniels and others (twenty-eight persons) for enrollment as Cherokee freedmen. The latter case is before the Department upon a motion of counsel for the applicants for review of the decision of the Commission to the Five Civilized Tribes adverse to the applicants.

My opinion of March 22, 1904, was rendered upon departmental reference of a request by the Commission to the Five Civilized Tribes for construction of the freedmen enfranchisement clause of Article IX of the treaty of July 19, 1866 (14 Stat., 799, 801):

That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six

months, and their descendants, shall have all the rights of native Cherokees: Provided, ...

The opinion referred to, so far as here in question, summarized, was that: (1) The six months period (from ratification of the treaty August 11, 1867,) is not a limitation, but a condition to the right granted, affecting all, competent or incompetent, and that return within the period therein fixed is an essential part of the facts out of which the right granted arises; (2) That "residents" had reference to the place of the freedman's legal domicile, and not to that of his then accidental, actual, physical presence or temporary place of abode.

The contention of counsel for the freedmen in the present motion is, that the provision, "and are now residents therein, or who may return within six months," has reference only to "free colored persons who were in the country at the commencement of the rebellion," and has no reference to the former slaves described as freedmen liberated by their owners or by law. This contention is based upon an analysis of the grammatical structure and punctuation of the provision, which I have carefully considered, but deem unnecessary here at any great length to discuss. Grammatical structure and punctuation are both proper aids to construction, but neither nor both combined exclude other inquiry into the legislative intent which must

always control, when satisfactorily ascertained, though both grammatical structure and rules for punctuation be disregarded. By this, however, I am not to be understood as conceding the contention that either the grammatical structure or the punctuation indicates that the six months period had reference to the "free colored persons" only, or did not refer to the liberated former slaves. As to structure of the sentence, it appears to me that the words "as well as" are strongly conjunctive, not disjunctive. The phrase "as well as" is defined in the Century Dictionary and Webster's International Dictionary, at the word "as", as meaning "just as much, equally (with), in addition (to), besides, no less (than)." All these definitions or equivalents of "as well as" indicate the idea of equality of merit and of benefit, rather than an intent to give more privilege to or to impose less burdensome obligation or condition upon the first class than upon the second. The circumstances of the time were that the former slaves had late been mere things, chattels, not men, and their claim to recognition and just treatment as members of the organized society could hardly have won higher recognition that that given other persons of the same race who had attained to free manhood years before, or even higher that that given the free-born full-blood Cherokee. A construction that would lead to such result is, in light of the circumstances of the time, not

only irrational, but almost unthinkable, and is clearly erroneous.

As to punctuation, had the intention been to confine the operation of the six months return period to the second or freed colored person class alone, no punctuation to break the flow of connected thought was necessary or appropriate from its initiation with the words "as well as" until the words "six months", when, on this theory, the thought culminated, was fully expressed, and a natural pause was reached. In fact the punctuation is against the theory sought to be based upon it.

The Cherokee Nation at that time had a constitutional provision (Sec. 2, Art. 1) against their own full-blood citizens, that:

> Whenever any citizen shall remove with his effects out of the limits of this nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease.

This provision operated instantly upon the native Cherokee, whenever and as soon as he removed his person and effects from the nation and identified himself with a community alien to it. Had the treaty benefit been limited only to such freedmen, or former slaves as were then in and identified with the nation, the provision would have been as liberal to the freedmen as was the Cherokee constitution toward its own full blood citizens. In giving a six months period for their return

the treaty was more liberal to the freedmen than was the constitutional provision to the native-born. This no doubt was due to the conditions of the time at close of a period of war when social disorder caused many to remove to safer localities. The proper period to be allowed because of such conditions was one to be determined by the treaty parties, but consideration of the circumstances of the time and the provision of the constitution of the Cherokee Nation show that it could not have been intended to give freedmen an unlimited time to return and thus to extend a privilege as to absence far above that of full blood native citizens.

For these reasons, as well as those advanced in my former opinion, I am of opinion that the six months period in Article IX, of the treaty, supra, applies equally to former slaves and to former free persons of color, and adhere to the opinion formerly expressed.

Passing now to the case of Burrell Daniels and others, I desire to call attention to the opinion of March 22, 1904, that "residents" in the treaty has reference to the place of legal domicile, not that of actual accidental presence, and also to my opinion of April 16, 1904 (in I. T. D. 8308-1903; 799 and 1240-1904), in case of Charles Foreman, in the final paragraph of which it was noticed that "one under actual restraint, whether

legal or not, can not freely choose his own place of abode, or his domicile", meaning thereby his place of usual actual physical presence and place of living. At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat., 801) the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands went to Mexico, carrying Daniels with them and sold him to Mexicans, where he was held in peonage until his return was affected by intervention of the United States.

It does not appear when Daniels' deportation occured more definitely than that it was after Kirby Smith's surrender (May 26, 1865), and before August 20, 1866, as Colonel Bryant, in command of the force holding Daniels, had been ordered to turn in his camp equipage, but refused to do so, went south through Texas into Mexico, taking with him the negroes and a herd of cattle. By August 20, 1866, the banditti which infested Texas

after the surrender of the organized armies had been suppressed, dispersed, or expelled, and the termination of the period of war was proclaimed (14 Stat., 814). Colonel Bryant's party was one of these insurgent banditti, and Daniel's removal, deportation into peonage in Mexico, was evidently after the fall of the organized confederate government and surrender of its armies, and was without any semblance of authority of an organized government, but was a mere act of brigandage. It is clear that Daniel's deportation by brigands and sale into peonage in Mexico and his detention there worked no change in his residence and forfeited no rights. While held in peonage he must be regarded as resident and domicile in the Cherokee Nation, and his children born there as born in the nation.

The United States interferred in his behalf, effected his release from peonage, and returned him to the United States after about six or seven years of foreign servitude. He was not returned, however, to his home in the nation, but was left in San Antonia, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated those regions or afforded facility for travel. His rights and the consequences of his delay in effecting his actual return from San Antonio to the Cherokee Nation must be determined upon the same principles as the case of a native Cherokee citizen under section 2, Article 1, of the Cherokee Constitution, had a native citizen, at the time

of Daniel's return by the United States to San Antonio, been forcibly taken and set down at San Antonio.

To that time Daniels had been able to do nothing and had done nothing to change his legal domicile from the nation. He had been forcibly and tortiously deported by brigands and sold into servitude. No rights could be lost thereby in legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the treaty. If upon being freed from physical restraint he returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation. If, on the other hand, he pursued such course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

As to what the fact was in this respect I do not regard it proper for me, in the first instance, to find from the evidence in the record, thus forestalling the Commission to the Five Civilized Tribes and the proper reviewing officers whose province it is to adjudge the facts. As the commission did not base their decision upon proper grounds, but based it upon a

supposed bar in Article IX of the treaty against their consideration of these facts, regarding him as not domiciled in the nation on or prior to August 11, 1867, whereas he should be regarded as so domiciled therein, I am of opinion their decision should be vacated and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Daniels of the nation to introduce further evidence bearing upon the question of intention to change his domicile prior to his actual return to the nation.

Very respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney-General.

Approved, May 9, 1905:

(Signed) E. A. Hitchcock.
Secretary.

DEPARTMENT OF WELFARE,

[illegible], Washington, May 28, [illegible].

[illegible]

[illegible]

[illegible]

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On June 26, 1906, following the recommendation of the Indian Office of June 17, 1906, the Department affirmed your decision of January 24, 1906, refusing to enroll, as Cherokee freedmen, the applicants in the case of Darrell Daniels, et al. (F. N. 66).

A motion for review was filed on behalf of the applicants in this case and submitted to the Assistant Attorney General for this Department for opinion. In an opinion rendered and approved May 9, 1907, the Assistant Attorney General held that if the principal applicant, after being freed from physical restraint, returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation; further, that if on the other hand, he pursued such course as showed an intent to abscond a domicil and abide elsewhere, his rights should be determined

previously on behalf of a Native Cherokee citizen would be who at that time resided from the nation and took up his residence in the Nation.

The opinion was also expressed that the Commissioner did not base his decision upon proper grounds, but based it upon a misconstruction of the treaty of 1866, regarding the applicant as not domiciled in the nation on or prior to August 11, 1897, whereas he should have been regarded as so domiciled therein, your decision should be vacated and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either claimant or the Nation to introduce further evidence bearing upon the question of intent on to change his domicil prior to his actual return to the Nation.

In accordance with this opinion, a copy of which is inclosed, the decision of the Department in the case is hereby vacated; the record and the papers are returned herewith and you are requested to institute a rehearing in the matter.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

2 Enclosures.

COPY.

Cherokee Freedmen

R-392.

Muskogee, Indian Territory, May 31, 1905.

Mack Daniels,

Talala, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al. as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 13, 1905, remanding this case for further hearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, and introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Register

COPY.

Cherokee Freedmen

D-68, et al.

Muskogee, Indian Territory, May 24, 1906.

Hall, Lindsey & Bergevin,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Darrell Dobbins, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 18, 1906, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its Office in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 4, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear in that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

SIGNED: T. B. Needles.
Commissioner in Charge.

Incl. 2-2.

COPY.

Cherokee Freedmen

D-48, et al.

Muskogee, Indian Territory, May 24, 1906.

Elam S Quigley,

Attorney for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen, you are advised that the Commission is in receipt of Departmental letter of May 18, 1906, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its Office in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 7, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED) T. B. Needles

Commissioner in Charge.

Encl. D-k.
Inclosed

Muskogee, Indian Territory, Sep 25 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of May 13, 1905, (I. T. D. 5330-1905), remanding the record, including the decision of the Commission to the Five Civilized Tribes of January 18, 1904, in the matter of the applications of Burrell Daniels, et al., for enrollment as Cherokee Freedmen, for rehearing and readjudication, in accordance with the opinion of the Assistant Attorney-General, rendered on May 9, 1905, wherein it is held that the Commission erred in adjudicating the rights to enrollment as Cherokee Freedmen of the said Burrell Daniels, et al., under the theory that their rights were barred under Article IX of the Treaty of 1866, and that said applicants' rights to enrollment as Cherokee Freedmen should have been adjudicated under the provisions of Section 2, Article I, of the Cherokee constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;...."

In accordance with said instructions, these applications were set down for re-hearing before the Commission on June 8, 1905, and due notice of said re-hearing was sent to all parties in interest.

On the date set for re-hearing, all parties applicant appeared either in person or by attorney, the Cherokee Nation appeared by attorney, and a re-hearing was had therein and the applications again taken under advisement by the Commission.

There is herewith transmitted the record in said cause, together with my opinion of this date, for further consideration by the Department.

In transmitting this record, I desire to submit my views on the questions of law and fact arising in the adjudication of said applications more fully than they are set forth in the judgment in this cause.

The following statement of facts is fully supported by the evidence in this case:

That Burrell, Miranda and Tom Daniels, principal applicants, and Nancy Newton, nee Daniels, deceased, through whom all the other applicants herein claim the right to enrollment as Cherokee freedmen, were, at the commencement of the Rebellion, the slaves of Cherokee citizens; that some time during the summer or fall of 1862, said Burrell, Miranda and Tom Daniels, and Nancy Newton, nee Daniels, deceased, were removed from the Cherokee Nation by one Joel M. Bryant, and, after the close of the rebellion were taken by the said Joel M. Bryant to Mexico, where they remained until some time during the early '70's, when they removed to San Antonio, Texas, and a number of years later removed from Texas to the Indian Territory.

The principal applicants herein allege that they were forced by Joel M. Bryant (after the rebellion) to make the trip to Mexico; that after arriving in Mexico, they were sold into peonage, and compelled to remain in that country six or seven years; that upon their release from

peonage in Mexico they removed to Texas, where, by reason of the condition of their finances, they were forced to remain a number of years, in order to earn money enough to pay their way to the Cherokee Nation, and that, since the close of the rebellion, it was ever their intention to return to said Nation as soon as circumstances would permit. These allegations are denied by the Cherokee Nation.

Under this showing attorneys for applicants contend that said applicants have complied with the provisions of Article IX of the Treaty of 1866, which, in part, provides:

> "That all freedmen who have been libertated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native cherokees."

Numerous letters and briefs have been filed in this case by the attorneys for applicants, in support of, among others, their contention above indicated. This office refers and calls particular attention to certain parts of said letters and briefs material to the question

now under discussion. In this connection is cited the frequent use, by attorneys for applicants, of the term "poor ignorant people" as designating claimants generally for freedman citizenship in the Cherokee Nation. Aside from the fact that ignorance does not excuse them from compliance with the law, this office advisedly says that the term is a misnomer, and, after several years experience with this class of applicants, it is convinced that they are as fully capable of protecting their own interests as are the Indian citizens of the Cherokee Nation. And the applicants in this case are anything but exceptions to their class.

Several reasons are advanced by their attorneys why said principal applicants should not be required to show that they returned to the Cherokee Nation, after the rebellion, within the time stipulated in said Article IX of the treaty of 1866, as interpreted in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., but, except the one below discussed, all have been disposed of by the Assistant Attorney-General, in his opinion above referred to.

After asserting that "A slave can have no domicile, inasmuch as he cannot possess one of the requisitions, namely, intention", that "A slave had no political rights; 92 U. S. 27", and that "Domicile is a political right", they argue as follows:

> "In the United States a slave was capable of committing crime, of receiving his freedom; of being the subject of homicide, and of modifying, by his volition, very materially, the rules applicable to other species of property. While, under the civil law, slaves were classed among things, and as such, a slave was not considered capable of violating the criminal or civil laws of the country, any more than other domestic animals.
>
> "The modifications placed upon the old civil law theory, were the results, largely, of statutory enactments, since genuine slavery was not known under the original common law. The villiens of the early English times were but feudal tenants of the lowest grade, and were but monuments of Danish tyranny."

From thisline of argument they drew the conclusion that:

> "On account of the above named conditions, a slave, emancipated in the United states, acquired the domicile of his owner by operation of la w, in the same manner that an infant acquired the domicile of its ancestor, by inheritance." Brief filed with the Department, December 12, 1904.
>
> And again, "When by act of the National Council in February, 1863, the shackles fell from all Cherokee

slaves, this petitioner became a Freedman, and acquired a right of domicile in some place. From the very nature of the circumstances he must have become vested with the same domicile as his master." Paragraph 1, page 20, Brief filed with the Department, May 6, 1905.

This office is free to admit its inability to follow the reasoning of the attorneys for the applicants, in the extracts from their briefs above set out, but the conclusion reached it can fully understand, and as they cite no authority to sustain their position, it is considered that their conclusion is subject to serious doubt, if not complete rebuttal.

Following the reasoning of attorneys for applicants in this case, the Assistant Attorney-General says:

"At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat. 801), the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion, Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands, went to Mexico, carrying Daniels with them, and sold him to Mexicans, where he was held in peonage until his return was effected by intervention of the United States." Page 6, Asst. Atty-Gen'l's Opinion.

"To that time Daniels had been able to do nothing,

> and had done nothing, to change his legal domicile from the Nation. He had been forcibly and tortiously deported by brigands, and sold into servitude. No rights could be lost thereby. In legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the Treaty. If upon being freed from physical restraint he returned to his home in the Nation within such time as was reasonably necessary, considering his means and circumstances, and the facilities for travel, he should be regarded as never having been absent from the Nation. If, on the other hand, he pursued such a course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the Nation and took up his residence at San Antonio." Page 8, Asst. Atty-Genl's. Opinion.

It is well settled that prior to the rebellion an African, whether slave or free, had no civil, social, or political rights or capacities whatsoever, except those conferred by statute." And, "every attempt to extend to a slave positive rights was an attempt to reconcile inherent contradictions, for, in the very nature of the case, he was subject to despotism. Law, as to him, was only a contract between his rulers;" Bryan v Watson, 20 Ga. 480; ex parte Boylston, 2 Strob. (S. Car.) 41; Dave v State, 22 Ala. 33; Oliver v State, 39 Miss. 527; Jacobs v State, 3 Humph. (Tenn.) 493;

Mason v State, 4 Humph. (Tenn.) 421/ "He was mere property, and in the United States the right of property in a slave was recognized not only in the Constitution, but by every Department of the government, from its foundation to the commencement of the rebellion. The institution was regarded as beyond all civil entitled to the benefits of all the provisions and guarantees for the protection of any other property". Prigg v Com. 16 Pt.(U.S.) 539; Dred Scott v Sanford, 19 Howard (U.S.) 393; Neal v Farmer, 9 Ga. 555; Bodine's Will 4 Dana, (Ky.) 476; Corbin v March 2 Duv. (Ky.) 193; Thornton v Dobbs 5 Sned.& M. (Miss.) 809; Mendelite v Thurman, 22 Grat. (Va.) 466, 12 Am. Rep. 526.

In view of the foregoing it is quite apparent that any civil, social or political rights African slaves enjoyed in this country prior to the rebellion must have been conferred upon them by statute, and in the absence of any showing that by statutory enactment slaves were granted the right to acquire a domicile by inheritance, or otherwise, or that said domicile was to be that of their masters, it is not unreasonable to presume that such right did not exist, and

that to ascertain the domicile of a slave since freed the same rules of law are applicable as are applicable to any other free person.

Accepting, for the sake of argument, February 18, 1863, as the date upon which Burrell and Miranda Daniels obtained their freedom (which, however, is error, as at that time said principal applicants were without the jurisdiction of the Cherokee Nation, and, under the law and as a matter of fact, were not free prior to the close of the war), it is considered that any political rights now possessed by them must have been conferred upon them on or subsequent to said date, and as the right of domicile is a political right, their domicile at any time since being freed should be determined in accordance with the law applicable to persons sui juris.

In connection with the foregoing attention is respectfully called to the following authorities, which clearly define the requirements necessary for an adult to establish a legal domicile:

"To acquire a domicile two things must concur: (1) A residence; (2) An intention to make it the home of the party." Hart v Lindsey, (17 N. H. 235)/ 43 Am. Dec. 597;

"Residence and intention to remain must both concur in order to establish domicile". Gilman v Gilman (52 Me. 165), 83 Am. Dec. 502; Cavillion v Richard (13 La. 293), 33 Am. Dec. 563.

"To acquire domicile there must be a residence in a place and an intention to make it ones home". Viles v City of Waltham (157 Mass. 542), 34 Am. State reports 311.

"Domicile can only be acquired by the fact of bodily presence, coupled with the requisite animus". Jacobs Law of Domicile, Sec 93, page 150.

"A new domicile is not acquired by mere intention to so acquire it, without the fact of an actual removal, nor is it acquired by a removal without the intention". Ringgold v Barley (5 Md. 186), 59 Am. Dec. 107.

"Intention to reside must relate to the future, and not to the past, where it, combined with residence, is relied upon to establish a domicile". Gilman v Gilman, supra.

Numerous authorities to the same effect could be collected, but it is considered that the foregoing citations are sufficient to show that two things must concur in order to establish a legal domicile: (1) Bodily presence; and, (2) An intention to make it the home of the party. If either

requisite be lacking, or they are not coincident, no domicile is established.

Applying the law of domicile to the facts established by the evidence in the case now under consideration, it will be found that prior to 1884, if then, one or the other of these elements necessary to establish their domicile in the Cherokee Nation, was ever lacking on the part of the applicants. Prior to February 18, 1863, when the principal applicants were bodily present in the Cherokee Nation, they had not the legal capacity to possess one of the requisites, namely, intention, andin so far as this office is able to discover after a somewhat exhaustive research, there is no law, custom or judicial decision to the effect that this intention could have been supplied or exercised by any one for them.

Subsequent to said last above mentioned date, and prior to 1884, while they may have possessed, during all this time, the legal capacity to choose a domicile, the fact remains that they were not bodily present in the Cherokee Nation during said interval, consequently, said applicants

did not, and as a matter of law could not, establish a domicile in said Nation until they were not only bodily present, but legally capable of intending to make that Nation their home, which requisites, as the evidence shows, did not concur prior to the year 1884. Hence, under the law, they did not comply with the provisions of Article IX of the Treaty of 1866, relative to establishing a residence in the Cherokee Nation.

On May 22, 1904, the Assistant Attorney-General, in reply to certain questions submitted to him by the Attorneys for the Cherokee Nation, held that:

> "The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given or created by the treaty. It is not in the nature of a condition precedent but essentially part of the facts out of which the right given arises. There is no right independent of the condition imposed. Such limitation affects all alike, competent or incompetent.
>
> "Residence is a word of varied meaning, incable of accurate definition without reference to the content in which it appears. It is used with equal propriety in the sense of legal domicile, and in that of a temporary place of abode. The context shows that the object of the provision (Article IX treaty of 1866), was to give the status of citizenship in the Cherokee Nation to classes of persons who before did not have it, many of whom had lately been mere chattels. Its purpose

was to raise persons of inferior or no civil status to that of dignity and of legal equality with the body of citizens.

"I am of opinion that physical return of the person within the time prescribed by the treaty was not necessary in these cases where a domicile therefore held in the Cherokee Nation had not been abandoned or lost, and that the person might be excused from return by inability or like reasons as prevent loss of domicile by one not actually resident at the place of legal domicile".

This ruling was followed by the Commission in numerous decisions since rendered, and it was ever its understanding that it was incumbent upon freedmen claimants to show that during the interval between the time of obtaining their freedom and February 11, 1867, they, or the ancestor through whom they claim their right, had established a legal domicile in the Cherokee Nation. The question of facilities for travel, financial conditions, distance applicant was removed from the Cherokee Nation, size of his family, and a great many other hindering causes that applicants may now plead, if the new ruling in this case is permitted to stand, were never gone into, but applicant's rights have ever been determined upon, among others, the clear-cut proposition--Were you or those through whom you claim the right to enrollment as a Cherokee freedman, actually present in

the Cherokee Nation with the intention of establishing a residence therein, during the interval between the date of being freed and February 11, 1867? And it is but fair to the Cherokee Nation that this should be the extent of the inquiry along this line.

The Cherokee Nation is not responsible for the existence of conditions that prevented the freedmen from complying with the treaty stipulations of 1866; and, further, if freedmen claimants are permitted to plead the many reasons suggested by the new ruling in this case, as excuses for their non-compliance with said treaty stipulations, the Nation is at the mercy of the freedman applicant, for not only are the majority of these reasons matters peculiarly within the knowledge of the applicant, but, if alleged, as undoubtedly they will be, are at this la te date incapable of being rebutted.

Furthermore, this ruling, in effect, removes from Article IX of the Treaty of 1866, the time limit within which freedmen were required to establish their residence in the Cherokee Nation. If the said Act of February 16, 1863, ipso facto, made absent freedmen domiciled citizens of

the Cherokee Nation, what objectsan there be for investigating the question as to when freedmen applicants or their ancestors returned to the Cherokee nation and established their residence therein after the rebellion, when the only advantage to be obtained by complying with this provision was to secure a political right which, under the ruling in this case was already theirs?

Under this ruling the only question for investigation and determination would be: Has there been a forfeiture of the rights absolutely conferred by the treaty of 1866, upon those who were the slaves of Cherokee citizens, or free colored persons residing in the Cherokee country at the commencement of the rebellion, and their descendants?

It is for these reasons:

(1) The ruling of the Department is not in accordance with the law; and,

(2) To follow said ruling to its logical conclusion will necessitate the reopening of numerous cases heretofore passed upon by the Commission to the Five Civilized Tribes and the Department and the adoption of an entirely new construction of the la w applicable to Cherokee Freedman cases;

that this office respectfully requests that the ruling in this case be reconsidered and the former decisions of the Department in this class of cases be adhered to.

It is however, considered by this office that even though Burrell and Miranda Daniels and Family were domiciled citizens of the Cherokee Nation on or prior to February 11, 1867, they subsequently forfeited their Cherokee citizenship, under the provisions of Section XI, Article I, of the Cherokee Constitution, and in this connection attention is called to the following points in this case.

The evidence in this case does not show that Joel M. Bryant refused to turn in his equipage at the close of the rebellion; or that he was at the head of an "insurgent band" or that he or any one of his company, ever stole a bovine in their lives; neither does the evidence show that either or any of them compelled any red, white or black man, woman or child, to accompany them to Mexico, in 1865, or at any other time. All such allegations are based upon the unsupported and uncorroborated testimony of Burrell Daniels.

In re testimony of Burrell Daniels: This applicant seems to have had a wonderful knowledge of his former

master's business- at a time too, when he would have it believed that his ex-master was engaged in a transaction that required secrecy. He is perfectly familiar with the motive that prompted Joel Bryant to go to Mexico, and testifies positively that Col. Bryant sent certain members of his party, giving their names, from West Texas to East Texas to steal cattle; and that after a short absence they returned with 1500 head, which they took across into Mexico. He further testifies that he never could read or write, but that he, with others, was compelled at the point of a gun, to enter into a contract whereby they agreed to pay Col. Bryant for their transportation from Texas to Mexico. All of which is denied, and the contrary alleged by two witnesses for the Cherokee Nation, who were members of Col. Bryant's party from Texas to Mexico in 1865.

Attention is further called to the testimony of Burrell Daniels rela tive to his return from Mexico to Texas: On his first appearance before the Commission he testified that he and his family were released from peonage in Mexico through the intervention of President Grant, and that they

were brought from Chihuahua to the Rio Grande by soldiers sent into Mexico to effect their release; that the soldiers paid him $20.00 for services rendered during the trip, and that he and his family immediately thereafter started for San Antonio. On his last appearance before the Commission he omitted the soldier feature of his release and return, and testified that he effected the release of himself and family in Mexico, by labering until the amount for which he was held was satisfied; that he, leaving his family at Chihuahua, together with Mr. Brown, a lumberman, followed a train of wagons from Chihuahua to the Rio Grande river, where he worked in a mill for ten months, during which time he sent money to his family in Mexico for their support; that finally, he arranged with a man in charge of a Mexican wagon train to bring his family to him, the consideration being $15.00, and that after their arrival, he and his family remained on the Rio Grande river for a while, or until he arranged with the boss of another wagon train to transport himself and family to San Antonio, and that, on their arrival at the latter place, instead of charging him anything for transportation, the man in charge of the train paid him $10.00, for services rendered during the trip.

In view of the many unreasonable and improbable assertions made by the applicant, Burrell Daniels, relative to matters that he could have known only by hearsay, or by drafts upon a rather vivid imagination, of which he seems possessed, in connection with the many contradictory statements made by him, it is considered that his testimony is of little value in ascertaining the facts at issue in his case, and that his acts, in connection with certain facts known to this office, will better serve as a guide in determining whether or not it was his intention, after the rebellion, to return to the Cherokee Nation as soon as circumstances would permit.

Burrell Daniels testifies that he knew nothing of the treaty of 1866 prior to his removal to the Cherokee Nation in 1884, hence, it cannot be inferred that during the interval between July 19, 1866, and the date of his removal to said Nation it wasever his intention to comply with its provisions.

The testimony of Burrell Daniels as to dates and places of birth of his children, records of their marriages, and other attendant circumstances, shows that he and his family

lived at least twelve years in Texas; but, after the most thorough examination, this applicant will account for but five and one-half years spent in that state, which, on its face shows an inclination to keep back facts that would tend to show whether or not he intended to make Texas his home.

It is urged by the attorneys for applicants as a reason for Daniels and his family's failure to return to the Cherokee Nation at an earlier date, that their stay in Texas was at a time when no railroads had penetrated those regions (Weimar and San Antonio, Texas), or afforded facilities for travel. This is but a quotation from the Assistant Attorney-General's opinion rendered on May 9, 1905, wherein he says:

> "He (Burrell Daniels) was not returned, however to his home in the Nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated those regions or afforded facilities for travel".

It is a matter of public knowledge that the Missouri, Kansas and Texas railway was built through the Indian Territory to Denison, Texas, during the years 1871 and 1872, and

it is known to this office that this line passes through the Cherokee Nation within ten miles of Burrell Daniels' old home on Grand River.

> "In 1850, General Sidney Sherman organized, in Boston, Mass. a company for the building of a railroad in Texas. In 1852 the Buffalo Bayou, Brazos & Colorado road was begun, and the shrill whistle of the engine was heard at Harrisburg. The road, in 1859 had reached the Colorado river, only sixty-five miles from its starting point. This was the beginning of the great line now known as the 'Sunset Route' (Southern Pacific)". A new History of Texas, Revised Ed. page 332. (This is the railroad on which Burrell Daniels and his family traveled from San Antonio to Weimar, shortly after their removal from Mexico to Texas).
>
> "In 1848 a charter was granted to the Houston & Texas Central; work was not begun till 1853, and in 1861 not more than eighty miles had been completed. Twelve years later the road reached Denison and became a mighty thoroughfare of traffic.
>
> "Even as late as 1867 the railroads in Texas were few in number and limited in extent, the total mileage amounting to not more than four hundred miles. From 1873 to 1890 there was a wonderful increase; roads sprang up in all directions, new sections were opened and rapidly settled, everywhere the iron horse carried civilization, comfort and luxuries." Ib.

Thus it will be seen that as early as 1873 there was a direct all-rail route from that part of Texas (Weimar and San Antonio), where the Daniels's were located, to within

a few miles of their old home in the Cherokee Nation. This, it is believed, fully settles any question as to the railroad facilities between the Cherokee Nation and San Antonio, Texas, and successfully rebuts any allegations to the effect that such facilities were inadequate.

It is contended in behalf of applicants, that while paniels and his family were living in Texas, they were the "victims of the vicious system of share-farming" and that this must be considered as one of the attendant circumstances which prevented them from returning to the Cherokee Nation at an earlier date. Burrell paniels testified that he raised four crops in Texas. The first year he came out in debt. The second year he left the place after the crop was put in. The third year he came out even, and the fourth year he made enough out of the crop to pay up "all our debts and everything and we had enough money to come to Muskogee." This is the extent of their farming in Texas, so far as the record shows, and it does not indicate that they were the victims, for any length of time, at least, of the

Secretary--24.

[illegible] of "Wilson system of share-farming", alleged to be at that time prevalent throughout the south.

Another feature established by the evidence in this case, and worthy of comment, is that the testimony of Burrell Daniels shows that starting from Chihuahua, Mexico, with no financial means, and traveling only by wagon train, the distance between Chihuahua and San Antonio, Texas, 550 miles, was covered by himself and family within a few months, but to cover the distance between San Antonio, Texas, and Muskogee, Indian Territory, 550 miles overland, or 700 miles by rail, required twelve years for himself and a part of his family to make the trip, and for other members of his family it required twenty-four years to reach the Cherokee Nation.

Attention is also called to the fact that the [illegible] shows in this case shows that Burrell Daniels and those who returned with him to the Territory after the rebellion, did not settle in the Cherokee Nation, but rather in the Creek Nation, where, as indicated by the Wallace Roll (1860), Cherokee Census Roll of 1883, and Kern-Clifton Roll (1896), they resided continuously for twelve or thirteen years.

The foregoing is respectfully recommended, above and elsewhere that neither Burrell Daniels, nor any member of

Secretary--2.

his family returned to the Cherokee Nation after the rebellion as soon as circumstances would permit, but rather that the return of part of this family to the Indian Territory nineteen years after the close of the rebellion and the return of other members of said family thirty-two years after the war, was due to some cause other than a desire or an intention to save or acquire any citizenship rights in the Cherokee Nation.

This cause is discussed here in detail because of its great importance to the work of enrollment of the Cherokee Freedmen. This work is at the present time almost completed. It has been attended by many difficulties caused principally by the reason that the facts to be established occurred thirty-five or more years ago, which lapse of time necessarily dims and clouds the memory of the witnesses.

The great bulk of this work was done under precedents and an interpretation of the law entirely at variance with the opinion of the Assistant Attorney-General of May 8, 1908, rendered in this cause, and the confusion which would result from a change at this late date cannot be overestimated.

Already many matters to reopen and reconsider in the light of this ruling cases long since closed, have been

Secretary--25.

filed and many other applicants are only waiting for final decision in this case along the lines laid down in the opinion of the Assistant Attorney-General, supra, to pray for a reconsideration in their cases.

It is therefore respectfully recommended that this matter be again carefully considered in the light of the views herein set forth and that my decision in this case, herewith transmitted, be affirmed.

Respectfully,

(signed) Tams Bixby,

Commissioner.

Through the

Commissioner of Indian Affairs.

Incl. B 90,
LMB

Cherokee Freedmen

B-40, et al.

COPY.

Muskogee, Indian Territory, September 26, 1905.

Blue & Bulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Tams Bixby

Commissioner.

LS
Incl. 8-48
Register

Cherokee Freedmen

S-49, et al.

COPY.

Muskogee, Indian Territory, September 26, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 26, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

LS
Incl. S-49

COPY.

Cherokee Freedmen

R-392.

Muskogee, Indian Territory, September 26, 1905.

Mack Daniels,

Talala, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself and child, Mady Daniels, as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED

Tams Dixby

Commissioner.

LS
Incl. S-45
Register

Cherokee Freedmen COPY

R-392.

Muskogee, Indian Territory, September 26, 1905.

Mack Daniels,

Talala, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself and child, Mady Daniels, as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

IS
Incl. S-45
Register

Muskogee, Indian Territory, October 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On September 25, 1905, there was transmitted to the Department the record of proceedings had in the consolidated case of Burrell Daniels, et al., Cherokee Freedman R 40, et al., wherein, in its decision rendered on said date, this office found that the said Burrell Daniels, et al., possessed no rights to Cherokee freedmen citizenship. Said letter set forth the views of this office relative to the law applicable in determining the rights of said applicants to enrollment as Cherokee freedmen.

I now have the honor to direct your attention to certain proceedings had before the Court of Claims, in the case of Charles Journeycake, et al., v. the Cherokee Nation, et al., 31 C. of Cls. 40, and which are considered pertinent to the position taken by this office, and material in de-

termining the rights to Cherokee citizenship of the above indicated applicants.

CHARLES JOURNEYCAKE, PRINCIPAL CHIEF, v. THE CHEROKEE NATION ET AL.
JOHNSON BLACKFEATHER, PRINCIPAL CHIEF, v. THE SAME
MOSES WHITMIRE, TRUSTEE, v. THE SAME.
(Nos. 16837, 16 57, 17209. Decided January 27, 1896)."

"On complainant's Motions."

.. ..

"V. The treaty with the Cherokee Nation, 19th July, 1866 (14 Stat. L., p. 799, Art. IX), provides that the freedmen of the Nation who 'are now residents therein , or who may return within six months, and their descendants' shall be entitled to dwell and occupy land in the Cherokee country. This was intended for the protection of the Cherokee Nation. That is to say, freedmen and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

The Reporters' statement of the case:

"The grounds upon which the motions were based will be found set forth in the opinion of the court. After the decision upon these motions had been announced, the counsel for the complainants in the freedmen's case requested that certain instructions be given to the Secretary of the Interior in regard to the payment of the fund. These the court referred to the Secretary for his consideration. Subsequently the court was informed that the Commissioner of Indian Affairs desired the instructions of the court as to how he should proceed under the decree in determining who were the resident freedmen entitled to share in the distribution of the fund. The court accordingly addressed to him the communication of February 18, 1896, which follows the opinion.".....

"Court of Claims,
Washington, February 18, 1896.

Hon. Daniel M. Browning,
Commissioner of Indian Affairs.

Sir: The court is informed that the Commissioner of Indian Affairs desires its opinion in regard to the fifth of the proposed instructions referred for the consideration of the Secretary of the Interior February 15, 1896.

"The decree in this case follows and refers to Article IX of the treaty with the Cherokee Nation, July 19, 1866, and the persons therein designated are the complainants in this case, entitled to payment under the decree."

Syllabus.

"The court is of the opinion that the clauses in that article in these words, 'And are now residents therein, or who may return within six months, and their descendants,' were intended, for the protection of the Cherokee Nation, as a limitation upon the number of persons who might avail themselves of the provisions of the treaty; and consequently that they refer to both the freedmen and the free colored persons previously named in the article. That is to say, freedmen and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

"The court is also of the opinion that this period of six months extends from the date of the promulgation of the treaty, August 11, 1866, and consequently did not expire until February 11, 1867."

"Wm. A. Richardson,
"Chief Justice."

The foregoing is a part of the proceedings had in the case of Moses Whitmire, Trustee, etc., v. the Cherokee Nation et al., and is the interpretation of the Court

of Claims placed upon its decree in said Whitmire case, rendered on February 3, 1896, hence, in legal effect, is a part of said decree.

Paragraph II, Section 21, of an Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

> "It (the Commission) shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

Said Paragrap h II, above quoted, is the jurisdictional act under which this office is making a roll of Cherokee freedmen, and it is respectfully submitted that in view of the foregoing, neither this office nor the Department, has authority to grant the a plication for the enrollment as a Cherokee Freedman of any one who can not show that he , or , in case of one who claims as a descendant, that the ancestor through whom he obtains his right to Cherokee Freedman citizenship, was actually residing in the Cherokee Nation on August 11, 1866, or established a residence in said Nation within six months thereafter.

It is respectfully requested that this letter be

made supplemental to, and considered as a part of the record in, the proceedings had in the case of [illegible] Lucile, et al, applicants for enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

M.G .12457

I.T.D.5464-1907 COPY SPECIAL RTN J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

VRE

DENEGT.

February 28, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of February 27, 1907 approved the same day, in the matter of the application of Burrell Daniels et al., for enrollment as Cherokee freedmen.

In accordance with said opinion the application is denied.

The papers in the case have been transmitted to the Indian Office, with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 11 incs.

for ind. SFT.

A F We

3-1-07

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.
WASHINGTON.

WOP

118-19/06.
I.T.D.

February 27, 1907

The Secretary

of the Interior,

Sir:

You referred the papers relating to the application of Burrell Daniels et al., for enrollment as Cherokee freedmen, for opinion concerning questions of law presented by the Commissioner to the Five Civilized Tribes.

This case has been under consideration at various times and in opinion of May 9, 1905, it was recommended that the decision of the Commission to the Five Civilized Tribes, adverse to applicants, be vacated, "and the case readjudicated under the removal or expatraition provisions of the Cherokee constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation." The case was returned to the Commissioner of the Five Civilized Tribes and further hearing was had. The facts developed are substantially that Daniels and other negroes, formerly slaves of Cherokees, at about the close of the civil war were taken out of the Cherokee Nation and to Mexico where they were held under the peonage law of that country until about 1872 when they were returned to this country. Daniels

remained at San Antonio and other places in Texas until about 1884 when he returned to the Indian Territory. He claims that he was not before that time able to save enough to carry him to his former home although it was always his desire and intention to so return. Upon his return he stopped at Muskogee in the Creek Nation and the date when he actually entered the Cherokee territory is not clearly shown.

The Commissioner of the Five Civilized Tribes held that Daniels was not entitled to enrollment. The Indian Office was of opinion that Daniels and others with him did not use diligence in returning to Indian Territory and are not entitled to enrollment:

The act of April 26, 1906 (34 Stat., 137) provides:

> The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six; or who actually returned and established such residence in the Cherokee Nation on or before February eleventh eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes, or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.

Upon the theory that Daniels' departure from the Cherokee Nation was not voluntary it might be held that notwithstanding his removal he still held a legal residence in the Nation. Evidently, something more than constructive legal resi-

Court was contemplated by the act of 1906. It had previously been held that one who had a constructive residence in the Nation, August 11, 1866, was within the terms of the treaty of July 19, 1866 (14 Stat. 799), which provided that freedmen and free colored persons "who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees." If it had been intended that this ruling should continue to control there would have been no necessity for further legislation on the subject. The only possible conclusion is that it was intended by the act of 1906 to change existing law as construed and to provide some different and stricter rule to guide in the enrollment of Cherokee freedmen. Evidently, it was intended to require something more than constructive residence. Under the new rule one, to entitle himself to enrollment as a Cherokee freedman, must show that he was actually not constructively residing in the Nation August 11, 1866, or that he returned and established in person an actual residence within six months from that date or that he is a descendant of some person who had met these requirements. When this rule is applied to the applicants it seems clear that they can not be enrolled in spite of any equities they may have in the premises.

Nor are they saved by the qualifying clause. While they have met the condition of having made application they have

not been adjudged entitled to enrollment by the Secretary of the Interior.

I am of opinion, and so advise you, that the provision of the act approved April 26, 1906 prevents the enrollment of these applicants.

The papers are herewith.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved;

February 23, 1907.

E. A. Hitchcock,

Secretary.

Cherokee 7.
2 222.

COPY

Muskogee, Indian Territory, March 13, 1907.

Mack Daniels,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of yourself and daughter as Cherokee freedmen, was denied, among others, by the Secretary of the Interior, February 28, 1907.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

JMM.

COPY

Cherokee R.
R.40 et al.

Muskogee, Indian Territory, March 13, 1907.

William M. Cravens,
Attorney for Burrell Daniels, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.R-26
JEH

Cherokee F.
R 48, et al.

COPY

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.H-36
JMH

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

EE

Affidavit

REGISTERED
MAR 19 1902
Vinita, Ind. Ter.

REGISTERED
APR 23 1902
MUSKOGEE, IND. TER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 25 1906

in the possession of the Commission. [illegible]
Robert is found on the Kerns-Gibbs roll [illegible]
are all duly identified, but from the [illegible] in the
testimony his application for enrollment as [illegible] Freed-
[illegible] and that of his wife and son, which [illegible] they
[illegible] will be rejected.

[illegible]

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings, and in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes [illegible]

Subscribed and sworn to before me this the [illegible]
Fort Gibson, I.T.

[illegible]

QQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQ

Bruce C. Jones, being duly sworn, [illegible] stenographer to the Commission to the Five Civilized Tribes [illegible] foregoing, and that the same is a true and correct copy [illegible] original.

[illegible]

Sworn to and subscribed before me this the 20th of August, 1906.

[illegible]

File with Cherokee Freedman, D-941, Lizzie Haynes

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 10th, 1901.

In the matter of the application of Burrel Daniels for the enrollment of himself and wife and one child as Cherokee Freedman; He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Burrele Daniels.
Q What is your age? A About 70.
Q What is your postoffice address? A Talala.
Q What district do you live in? A Goweesoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized as a Cherokee Freedman by the Cherokee authorities? A (No response)
Q Is your name on any of the Cherokee rolls? A Yes sir.
Q Who is it that you desire to have enrolled besides yourself?
A My wife, and children.
Q What is your wifes name? A Narenda.
Q How many children have you under twentyone? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 20.
Q About how old is your wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No sir, but it is on the Wallace roll and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand river west of Vinita.
Q Were you a slave? A Yes sir.
Q What was your owners name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes sir.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q When did you return from the Choctaw Nation to the Cherokee Nation
A Th y taken a bunch of us and went to Mexico.
Q How long did you stay there? A Five or six years, in Mexico on a ranche and one year with a Jew from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I dont know how long, I was working my way back from place to place, didnt have any means of getting back and had yo work my way.
Q When did you get back to the Cherokee Nation? A I dont remember exactly the date, but I got back here when Mr. Bushyhead was chief. I got back when Cherokee Council was in session and Iapplied to the council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Guss Ivy and some others took it up and it passed all the council excepting the full bloods and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the Council excepting the full bloods and they did not wait for them and Council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Nation.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes sir.
Q Did she come back with you? A Yes sir.

Q Where was Robert born? A He was born in San Antonio.
Q How old was he when he came to the Cherokee Nation? A Dont know exactly, he was just a little bit of a kid though.
Q Was he with you all the time? A Yes sir.
Q Did he come back with you? A Yes sir.

Edgar Smith, attorney for applicant, continue examination:

Q State just how you happened to be taken to Mexico at the close of the war instead of coming back to the Cherokee Nation?
A Well it was just this way: when the war ended and we were going to come back here, General Cooper ordered Col. Bryant to turn over all his teams and he refused to do it and he then gathered up a bunch of us colored people and started south with them and we got in to Texas and there were camped on the plains and rounded up a bunch of about fifteen hundred head of cattle and went on to the Rio Grande river, and before we crossed over into Mexico he made us all get into line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves was set free did not owe their old masters anything: but he drewed it up in writing and made us all sign it and then we went into Mexico and there the Mexican government didnt have any law as old "Maxmilliam" was in power then, and they had a law called the Peon law and the peoned me out to a Mexican. The Mexican governor ---------- gave $113.00for me and I worked for him on a ranch for several years until a Jew fellow who had come from New York came round there and said that his wife was used to colored people and wanted one for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him and he was living in Chihauhau and I was taken there and cooked for him for a year. The Governor of Chihauhau who was named Don Terasso was the man who had me peoned and the Jew paid us out from him. They taken us to Chihauhau the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. Bryant and there was some people there who taken our part and put it into court and we staid in court a week but the Mexicans had no law there anymore as old "Maximillian" was there and in power and they said that if we had been there sooner that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and then Gen. Grant sent them two offers down there in regard to relieving us and they took us away and they went from Chihauhau to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would shoe so many mules for them and when they got to a certain place across the Rio Grande called ---------- they left us and I went on to San Antonio. When the troops left us I asked them how much I owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed my $30.00and then I went on to San Antonio with my family.
Q And the officers brought you into Texas and turned you loose and you went on to San Antonio? A Yes sir.
Q And you say you worked in San Antonio several years before coming on to the Cherokee Nationy A Yes sir.
Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work you way to the Cherokee Nation? A Yes sir, I was taken down there by Col Bryant and peoned out to Don Lewis Terasso the Governor of Chihauhau.

Q Is that is the reason that you did not come back to the Territory
A Yes sir.
Q Were you a slave during the war, or before the war? A Yes sir, I was before the war, and during the war was a teamster and cook in the Confederate army.
Q So it was some years after the surrender that you got back to the Indian Territory? A Yes sir. I found my mother here on the river when I got back. I came back when Bushyhead was chief.
By W. W. Hastings, Cherokee Representative:
Q About what year was it that you came from Mexico to San Antonio? A Dont know.
Q You stated that you stayed in San Antonio several years? A Yes sir
Q How many? A Five or six years on a ranch in Mexico.
Q That you were in Mexico after the war for five or six years?
A Yes sir.
Q I believe that you testified that you came back to the Cherokee Nation when Mr. Bushyhead was chief? A Yes sir.
Q Then for five or six years after the war you were in Mexico and then you went to Texas and stayed there several years before coming on back here? A Yes sir I worked in San Antonio several years before I came back here.
By Edgar Smith:
Q State more fully at what time you were taken to Mexico and by whom that was done. A When we got there in Mexico he (Q Who? A Col. Bryan) was camped about a mile from the city of Chihauhau and was selling off the colored people to pay what he said we owed him. He was little girls go for $50.00 each and when I saw it I walked away and went into the city and he had my arrested and there were some people there who taken out part and took it into court and we stayed in court about a week, and at that time old "Maximillian" and his French was in power and the Mexican Government had no laws and they beaned us all out to pay that claim and the Governor of the State of Chihauhau said that he would pay $113.00 for me and he paid it to him. (Q Who paid it to who? A The Mexican governor to Col. Bryan) Col. Bryant said that me and my family owed him $500.00 and the Governor of Chihauhau paid him $113.00 and we worked on his ranch.
Q Did you owe him anything? A No a cent.
Q But you were sold to the Mexican Governor for $113.00 and worked for him on his ranch? A Yes sir.
Q How long did you work on that ranch? A Five or six years.
Q You say Gen Grant took you out? A Yes sir sent two officers to take us out.
Q How much money did you have when you left Mexico? A Didnt have any.
Q Why didnt you come back to the Indian Territory right away after you left Mexico? A Well I got to San Antonio and had to work there to get on as I did not have any money and had a large family.
By Commissioner Needles:
Q How long did you stay in Texas? A Dont know how long, worked in San Antonio several years.

The Kerns-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows:
Page 181, No. 4455, Burrell Daniels, Creek Nation.
Page 181, No. 4457, Robert Daniels, Creek Nation.

By Com'r Needles: The name of Burrel Daniels is not found on the authenticated roll of 1880 or the census roll of 1876, but his name is on the Kerns-Clifton pay roll of 1894. The name of his wife Marenda is not found on any of the rolls

[illegible] to me, this the [illegible] day of April, 19[illegible], at [illegible]

Signed, [illegible]

Commissioner.

State of Texas, being duly sworn, says that as stenographer to the Commissioner in the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

[illegible]

Subscribed and sworn to before me this the 30th day of August, 1901.

[illegible]

Commissioner.

AVAILABLE COPY

DEPARTMENT OF THE INTERIOR
AUG 11 1906
COMMISSION TO THE FIVE CIVILIZED TRIBES

Commissioner: What did you stay so long in Mexico for? A He taken [illegible] season.

Q How did your [illegible] drew [illegible]

A [illegible] the [illegible] family, or [illegible] family and half a dozen others.

[illegible] duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the original application and in the matter of the supplemental testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Q Where was Andrew was born? A He [illegible] and made a crop that fall, made a crop [illegible] along [illegible] I suppose he moved us all over to Texas.

Q Was that after the war? A Yes, sir. [illegible]

Subscribed and sworn to before me this the 8th of August, 1906.

[illegible]

Q Didn't you know you were [illegible] there? A Yes, sir. [illegible] with him.

Was he a soldier? A He had the soldiers with him.

Was Bryant a Confederate or a Federal? A He was a Confederate.

Q Was he an officer? A He was a colonel.

Commissioner.

Q And he took you along when he took his soldiers? A [illegible] he took his soldiers he took you folks? A Yes, sir.

Q Did you try to get away from him? A No, sir. [illegible] that [illegible] to go with him and [illegible]

[illegible]

Q And took your wife there? A Yes, sir.

Mr. Smith: At the time [illegible] the war wasn't [illegible] war ended.

Q That was while the war was going on? A Yes, and when the war ended why he moved us from Mr. [illegible] Doaksville, between Doaksville and old Mr. Jones [illegible].

Commissioner: You stayed at [illegible] Yes, sir.

File with Lizzie Haynes, C.F. D-941.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 25, 1901.

In the matter of the application of Andrew Daniels for the enrollment of himself and nine children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

ANDREW DANIELS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andrew Daniels.
Q How old are you? A I don't know, about 37 I guess.
Q What is your postoffice address? A Ramona.
Q Indian Territory? A Yes, sir.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and nine children.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Dora Daniels.
Q Is she a citizen? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir
Q Is it on the roll of 1880? A I think it is, yes sir.
Q What is your father's name? A Burrell Daniels.
Q Is he living? A Yes sir.
Q What is your mother's name? A Miranda Daniels.
Q Is she living? A Yes, sir.
Q Have you got nine children under age and not married? A Yes sir.
Q Give me the name of your oldest child? A Willie.
Q How old is he? A I guess he is about 18.
Q The next one? A Lewis.
Q How old is Lewis? A I just can't tell you exactly, there is about a years difference in between them.
Q Then Lewis must be 17? A Yes sir.
Q The name of the next one? A Susie.
Q Susie than would be 16, would she? A No, sir, there was one between Lewis and Willie, and she is dead.
Q That would make Lewis then 16? A Yes, sir.
Q Then Susie would be 15, if she comes next to Lewis? A Yes, sir, but that is a little too old for her I think.
Q How old is she? A I think she is about 13 or 14.
Q Well, what is the name of the next one? A Thomas.
Q How old is Thomas? A He must be about ten I guess.
Q The next one? A Burley.
Q How old is he? A He must be, I don't know exactly just about how old, about 6 or 7 I think.
Q What is the name of the next one? A Essie though is older than Burley.
Q How old is she? A She must be about eight or nine, and then Burley comes in next.
Q Who is after Burley? A Minnie.
Q How old is Minnie? A She must be about 5 I guess.
Q Well, the next one? A Miranda.
Q How old is Miranda? A She is a little over 2 years old I think.
Q That is the next one? A Ruth.
Q How old is Ruth? A She isn't quite a year old yet. I am not on the 1880 roll, I am on the other two rolls.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Andrew Daniels on page 181, No. 4446, Coweescoowee district;
Willie Daniels on page 181, No. 4447, Coweescoowee district;
Lewis Daniels on page 181, No.4448, Coweescoowee district, as Louis Daniels;
Susie Daniels on page 181, No. 4449, Coweescoowee district;
Thomas Daniels on page 181, No. 4449, Coweescoowee district, as Tom Daniels;
Essie Daniels on page 181, No. 4451, Coweescoowee district;
Burley Daniels not on Kern-Clifton roll.
Minnie Daniels on page 181, No. 4452, Coweescoowee district.

Q What is the matter with Burley; Burley is older than Minnie?
A I don't think he is on the roll though.
Q Why not? A He didn't get on there, they didn't enroll him.
Q Have you got any witnesses here? A My daddy.
Q Has your daddy been enrolled? A Yes, sir.

BURRELL DANIELS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A My name is Burrell Daniels.
Q How old are you? A I expect I am nearly 80.
Q Where do you live? A Out west of Talala on Caney River.
Q How long have you been living in the Cherokee Nation? A I have lived in the Cherokee Nation all my life time until I went to Mexico; I have been back, though, ever since Mr. Bushyhead was chief.
Q Ever since Mr. Bushyhead was chief? A Yes, sir.
Q Do you know this applicant here, Andy Daniels, here first on the stand? A He is my son!
Q How old is he? A I don't know exactly, he was born just about a year before the war ended.
Q Where was he born? A He was born down hereclose to Doaksville in the Choctaw Nation.
Q Were you a slave then? A Yes, sir.
Q Who did you belong to? A I belonged to Robert Daniels, first belonged to Miss Susie Taylor, living in Tahlequah, and she gave me to her daughter.
Q Who was her daughter? A Annie Daniels, one died in Vinita here time of the Lightning Creek payment.
Q Who was your owner at the time the war commenced? A She was my owner; when the war commenced why she had me with one of her sisters that lives in Tahlequah now, Mrs. Thompson, exchanged me for a boy named Will, I belonged to Mrs. Thompson a while after the war commenced
Q Well Burrell, about what time, about how long had you been in the Choctaw Nation when this boy Andrew was born? A Well, we had been down there I reckon not quite a year, but I was with the army, backwards and forwards, in the Nation here and then out.
Q He was born in the Choctaw Nation a year after you left the Cherokee Nation? A Yes, sir.
Q Who took you out of the Cherokee Nation? A They put us with Mr. Bryant's outfit.
Q How many children did you have at the time you were in the Choctaw Nation at the time you were in the Choctaw Nation when this boy Andrew was born? A I had Lewis, Abram, Sarah and Tom.
Q Have a wife there then? A Yes, sir.
Q What was her name? A Miranda Daniels.
Q Was she a slave too? A She was the slave of Zeke Daniels.
Q Was he a Cherokee citizen? A Yes sir, my old boss' brother.
Q Was Joel Bryant a Cherokee? A He was a white man but he had a Cherokee wife.
Q Well now, from the Choctaw Nation, how did you get into Mexico?
A Mrs. Bryant carried a number of us out there, a drove of us.

Q How big a drove did he have? A I reckon he had, must have had about forty or fifty of us, little and big.
Q Was this boy taken down to Mexico at the time you were? A Yes, sir
Q What other members of your family, if any, were taken down there?
A Taken my oldest son Lewis, and a boy named Abram, a girl, out of the Choctaw Nation, named Sarah, taken Lewis and Abram and this boy was a baby.
Q Well, how long did you stay in Mexico? A I must have stayed there, I was working on a Mexican Ranch about five or six years till they relieved me down there, I stayed on the ranch yonder about five years, and come a merchant from Santa Fe named Mr. Amberg.
Q You were peoned down there in Mexico were you? A Yes, sir.
Q How old was this boy Andrew when you returned to the Cherokee Nation? A I reckon he was about five or six years when I returned back to San Antonio, six or seven.
Q Then how long did it take you to make your way back to the Cherokee nation after you came to San Antonio? A I was several years on my way, I worked a year or two in San Antonio and then I came up to Fayette County and stayed there.
Q Do you know what year it was when you came back to the Cherokee Nation? A Nosir, I guess I could find out at Tahlequah when I come back; when I come back Council was up there and I worked on Arkansas River till Council commenced again.
Q That was when Mr. Bushyhead was Chief? A Yes, sir, and when Council commenced again I went and reported at the General Council.
Q About how old then was this boy when you came back to the Cherokee Nation at the time Bushyhead was chief? A I don't know, I can't tell you exactly how old he was, he was a young man I reckon when he came back here.
Q Well, can you tell us about how many years since you came back to the Cherokee Nation, can you count back that way and tell? A It must have been something over twenty years ago.
Q And you say the boy was born after the war commenced? A No, sir, he was born just before the war ended.
Q You took him down to the Choctaw Nation? A Yes, sir.
Q He was born down there before the war ended? A Yes, sir, just a year before it ended.
Q And you came back and the boy came back about twenty years ago?
A Yes, sir, I think it must have been twenty years ago, I can find out by going to Tahlequah.
Q What other children did you bring back with you twenty years ago, or whatever time it was? A I brought Robert and Lizzie and one named Mack.
Q What is Lizzie's name now? A She is married, she is named Lizzie Haines, and one of my daughters died before I got back, and left two grandchildren, and they went by the name of Mary Eaton and Lizzie Eaton, but one goes by the name of Mary Hill and Lizzie Shafter
Q They were your children, members of your family, when you brought them back here at the time you brought Andy? A Yes, sir, when I brought them little children back here they were just little kids, they have growed up here since they came back.
Q Which ones do you mean by those little children? A These here girls that are married now.
Mr. Hastings: Where was Andy married? A He was married just down here the other side of Hempster, near Wimer, Texas.
Q His wife was st ate raised? A Yes, sir.
Q Where was his first child born? A Born here in the Nation.
Q Willie? A Yes, sir.
Q Willie was born in the Nation? A Yes, sir, born down here on the Arkansas River at Mrs. Nivens.
Q Had Mr. Bushyhead been re-elected then, been elected the second time as chief, when you came? A I think he was, I think he was I will not be certain.

will not be certain.

Q About how long did you stay in Mexico, about how many years?

A I must have stayed in Mexico about six or seven, I worked on a ranch about five or six years.

Q Then after leaving Mexico you came back to Texas? A After leaving Mexico, the Government fetched us back to Texas.

Q You remained in Texas from that time until you came up here?

A Yes, sir, just one place and another on the way as I was coming.

Q But you remained in Texas the rest of your time? A Until I came up here: I traveled as far as I could.

Q That was between six and seven or eight or nine years you remained in Texas after leaving Mexico, before you reached the Territory, after the war? A Yes, sir, I stayed in Texas in places, I traveled around and then stopped maybe a year or two.

Commissioner: How old was Andy when you brought him back here?

A Andy was I reckon about 14 or 16 years old, he married when he was nothing but a boy.

Q He must have been over 14 years old? A The people down there was talking about having him took up for that marriage, he was nothing but a boy.

Q Married his present wife? A Yes, sir.

Q How long did he stay in Texas after he married? A He married along in the summer or spring and he came here in the fall.

Q Been here ever since? A Yes, sir.

Q You think he wasn't over 16 or 18 years old? A I don't know as he was 18 years old, he was a boy because I know they were trying to get the one that married him took up for marrying him.

Q How old is he now? A I don't know sir exactly how old he is; his age is on them rolls.

Q Who was Andrew's mother? A My wife, what used to belong to the same set of people I belonged to.

Q Did she come back with you? A Yes, sir, she is at home now.

Q You and her come back together? A Yes, sir.

Q Andrew's mother was a slave? A Yes, sir, slave of Zeke Daniels.

Q Was she with you all the time you were emigrating around through Texas and Mexico? A Yes, sir, she was the slave of Zeke Daniels and before the war ended she got to be the slave of Mrs. Thompson, at Tahlequah now.

Q Andrew is your oldest child? A No, sir, I have one named Tom.

Q Older than Andrew? A Yes, sir.

Q Where was Tom born? A Tom was born here in the Cherokee Nation on Grand river east of Vinita, before the war.

Q Is he living? A Yes, sir, he is here in the Nation.

Mr. Smith: Did I ask you, Burrell, when you testified in your own case about why you didn't come back to the Cherokee Nation sooner after they left you at San Antonio? A Yes, sir.

ANDREW DANIELS, recalled, testified:

Commissioner: Are all the children for whom you apply living at this time? A Yes, sir.

Q Were all of them born in the Cherokee Nation? A No, not all of them.

Q Where was Willie born? A He was born in the Cherokee Nation.

Q Where was Lewis born? A I think I was working over in the Creek Nation then.

Q Did you live in the Creek Nation? A A while I did.

Q I thought you said you had lived in the Cherokee Nation continuously all the time? A Well, I have been.

Q Well you couldn't have been living in the Cherokee Nation and the Creek Nation at the same time? A A good while ago I used to live there.

Q How long did you live in the Creek Nation? A Several years, working around there.
Q Where was Susie born? A She was born in the Creek Nation.
Q Where was Thomas born? A I think he was born in Canadian if I am not mistaken, Cherokee Nation.
Q Canadian district? A Yes, sir.
Q Where was Burley born? A I disremember not exactly where he was born.
Q In the Cherokee Nation or the Creek Nation? A I think I was living in the Creek Nation at that time.
Q Where was Essie born? A She was born in the Cherokee Nation; I disremember, I am not sure of it though.
Q Minnie, your five year oldchild? A Canadian I think.
Q Where was Miranda? A Born here on Caney.
Q In the Cherokee Nation? A Yes, sir.
Q And Ruth? A Yes, sir.
Q Well you appear to have lived in the Creek Nation a good deal.
A A while when I first came to the country.
Q What part of the country? A Right on the line about Muskogee, I worked through there.
Q Worked over about Muskogee? A Yes, sir.
Q These children, that is where they were born, over about Muskogee? A Some of them were.
Q Where were the others that were born in the Creek Nation born?
A There along on the line of the Cherokee Nation and the Creek.
Q Kinder along backwards and forwards? A Yes, sir, worked around in there a while.
Q They are all the children of Dora, your wife? A Yes, sir.
Q What proof have you got of your marriage to Dora? A I haven't got any unless I send off after it.
Q Married in the State of Texas? A Yes, sir.
Q Got a license there? A Yes, sir, at LaGrange County.
Commissioner: Well, you will have to send a certified copy of your license from the record there.
Mr. Hastings: How long did you live there after you married?
A I married along in the spring and came out that fall.
Q You know what fall you got here? A No,sir, not exactly.
Q What is your best judgment about when you got here? A I never paid the strictest attention to it, I can't tell you just what fall it was.
Q You made a crop there after you married, came back in the fall after that? A Yes, sir.
Commissioner: You know how old you were when you came? A No, sir, I don't.
Q Did you ever vote in the State of Texas? A No, sir.
Q Ever vote in the Cherokee Nation? A Yes, sir.
Q How long after you came back before you ever voted in the Cherokee Nation? A It wasn't very long, I voted several times in Canadian and I voted once or twice up here.

Commissioner: Andrew Daniels applies for the enrollment of himself and nine children, as enumerated in the testimony. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children, with the exception of Burley and Miranda and Ruth, are identified upon the Kern-Clifton pay-roll. He avers that he is the son of Burrell Daniels, who is listed for enrollment upon rejected card No. R-40, and the testimony taken in the case of the said Burrell Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith. He makes satisfactory proof as to his residence, and avers that he was married to his wife Dora in the State of Texas. She is a non citizen. He makes no proof of marriage. It will be necessary for him to file with this Commission satisfactory proof of his mar-

riage, or a certified copy of the records from the State of Texas. The testimony shows that his father did not return to the Cherokee Nation until about twenty years ago, and that he brought with him the applicant, his child, at that time. The testimony shows that the said Andrew was born in the Choctaw Nation during the war, the applicant's father, Burrell, at that time having been taken out of the Cherokee Nation. Because of the fact that the applicant was a minor, born after his father and mother were taken out of the Cherokee Nation, and before they lost their rights as Cherokee Freedmen, and the weight of the testimony showing that he was a minor when he returned, the applicant, Andrew Daniels, and his children as enumerated herein, will be listed upon a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises. The only doubtful question in the mind of the Commission is as to the rights that the said Andrew Daniels has by reason of his being a minor at the time that he was taken from the Indian Territory, and a minor when he returned, the evidence showing that his father and mother were slaves in the Cherokee Nation before the Civil war.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Andrew Daniels, et al. for enrollment as Cherokee Freedmen.

Supplemental testimony.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Burrell Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Burrell Daniels.

Q Are you the father of Andrew Daniels, who applied yesterday to be listed for enrollment? A Yes, sir.

Q You were a slave, were you? A Yes, sir.

Q Who did you belong to? A I belonged to Bob Daniels.

Q Were you taken out of the Cherokee Nation during the war? A I was taken out after the war ended.

Q Who by? A By Joel Bryant.

Q What right had he to take you; was he your owner? A When the war was coming on we were put with him to keep out of the way of the northern people and he carried us down here in the Choctaw Nation near Doakville, with all the families.

Q Whose families? A All the families, their families and colored families; and when the war ended, before he turned the darkies loose he took a drove of them and went to Mexico.

Q Took you among them? A Yes, sir.

Q Where from? A South from the Choctaw Nation.

Q Your family was in the Choctaw Nation at that time, were you?

A Yes, sir.

Q Was there where Andrew was born? A Andrew was born in the Choctaw Nation near Sampson Falcom's

Q That near Doakville? A Yes, sir.

Q Did he take Andrew? A Yes, sir, he was just a baby.

Q Take your wife? A Yes, sir, all the whole family.

Q How old was Andrew then? A Andrew I think was something over

a year old, pretty near a year old; they made a crop there and stayed there all one winter and one season.

Q How did your wife and Andrew happen to be in the Choctaw Nation?

A My wife and Andrew, he had the whole family, my family and half a dozen others.

Q How did he happen to be there? A He took us down there.

Q Who? A Mr. Bryant.

Q Took you from the Cherokee Nation into the Choctaw Nation?

A Yes, sir, first to Fort Smith and from Fort Smith to Van Buren and then to the Choctaw Nation.

Q There is where Andrew was born? A He stayed there one winter and made a crop that fall, made a crop, and along in coming December I suppose he moved us all over to Texas.

Q Was that after the war? A Yes, sir, everybody was going home, peace was declared.

Q Didn't you know you were free then? A Yes, sir, he had his battalion outfit with him.

Q Was he a soldier? A He had the soldiers with him.

Q Was Bryant a Confederate or a Federal? A He was a Confederate.

Q Was he an officer? A He was a colonel.

Q And he took you along when he took his soldiers back; when he took his soldiers he took you folks?, A Yes, sir.

Q Did you try to get away from him? A No, sir, he didn't ask us anything, just told us we had to go with him and said we would come back when everything got quiet.

Q I understand Andrew was born in the Cherokee Nation? A No, sir, he was born in the Choctaw Nation.

Q After we this man took you down there? A Yes, sir.

Q And took your wife there? A Yes, sir.

Mr. Smith: At the time Andrew was born and the time you speak of being in the Choctaw Nation and going over into Texas to cut wheat, the war wasn't ended then was it? A No, sir, it wasn't ended then.

Q That was while the war was going on? A Yes, sir; when the war ended why he moved us from Mr. Sampson Fulsom's to a place below Doakville, between Doakville and old Mr. Jones' farm.

Commissioner: You stayed at Sampson Fulsom's until the war ended?

A Yes, sir.

Q He took you there before the war ended? A Yes, sir.

Q He had the families all there, and there is where Andrew was born? A Yes, sir.

Q Then Andrew was taken on down into Texas? A Yes, carried down into Texas, went down to Waco, from Waco to Austin, and met some people and they said the Yankee army was in Austin, and he took us then across the plains.

Q And there Andrew stayed until he was married? A Yes, sir; he took us to Mexico.

Q Took Andrew to Mexico? A Yes, sir, and he married the same year I was working our way back.

Q He married in Texas? A Yes, sir.

Q And after he married he came back to the Nation? A Yes, sir.

Mr. Hastings: You stayed six or seven years in Mexico? A Yes, sir.

Q That was six or seven years after the war? A Yes, sir.

Q Then you came back here you say after Mr. Bushyhead was elected chief the second time: that was after '83? A I came back from Mexico to San Antonio and worked there a while and I moved from there and came to Fayette County and worked there a while.

Mr. Hastings: Mr. Smith, can we agree that Mr. Bushyhead was elected chief the second time beginning the first Monday in November, 1883; that is a historical fact?

Mr. Smith: Yes, I will agree to that.

Mr. Hastings: You lived five or six years in Mexico? A Yes, sir.

Q And the rest of the time you were working your way back here?

A Yes, sir.

Commissioner: What did you stay so long in Mexico for? A He taken us to Mexico and peeled us.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the original application and in the matter of the supplemental testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of August, 1901.

D. A. Tiner

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 28, 1901.

In the matter of the application of Lizzie Haynes for the enrollment of herself and one child as Cherokee Freedmen.

Appearances:
Mellette A Smith, attorneys for applicants;
W.W. Hastings, of counsel for Cherokee Nation.

Lizzie Haynes, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Lizzie Haynes.
Q How old are you? A 26 I guess.
Q What is your post office address? A Talala.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A The baby.
Q What is its name? A Edward Haynes.
Q Are you married? A Yes, sir.

Q What is your husband's name? A Tinker Haynes.
Q Is he a citizen? A No, sir.
Q What is your father's name? A Burrell Daniels.
Q What is your mother's name? A Mary Daniels.
Q How old is this baby of yourself? A A Year and eight months.
Mr. Smith: You are a daughter of Burrell Daniels? A Yes, sir.
Q Have you some brothers and sisters? A Yes, sir.
Q Name a few of them? A I haven't nary a sister alive.
Q Name some of your brothers? A Burley and Andrey.
Q Who else? A And Robert.
Q Is Andy Daniels the son of Burrell, a brother of yours? A Yes sir.
Q Where do you live now? A On Caney.
Q In the Cherokee Nation? A Yes, sir.
Q How long have you been living there? A About five years I guess.
Q Where did you come from to that place? A From down in the Creek Nation; in the Cherokee Nation.
Q What part of the Cherokee Nation? A Canadian I guess.
Q Canadian district? A Yes, sir.
Q Did you live in the Creek Nation awhile? A Yes, sir.
Q How long did you live in the Creek Nation? A About five or six years.
Q Have you been living all the time up here on Caney since you came there five years ago, or not? A Yes, sir.
Mr. Hastings: Where were you born? A In Texas.
Q How old were you when you came up to the Creek Nation? A I don't know.
Q Don't you have any idea how old you were when you left Texas? A No.
Q How long did you live in the Creek Nation? A Five or six years.
Q How long have you lived in the Cherokee Nation since then? A Since I been up here?
Q Since you left the Creek Nation altogether? A About six years.
Q The rest of the time than you lived in Texas; that a fact? A Yes, sir.

Commissioner: Where were you married? A On Caney.
Q In the Cherokee Nation? A Yes, sir.
Q Is this little child, Edward, living at this time? A Yes, sir
Q You living with your husband now? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q What rolls? A Wallace and Clifton.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern Clifton roll examined and the applicant, Lizzie Haynes, identified thereon, page 181, No. 4456, Creek Nation, as Lizzie Daniels.
The wallace roll examined and the applicant, Lizzie Haynes, identified thereon, page 109, No. 2318, Creek Nation, as Lizzie Daniels.

Q Did you ever draw any money in the Creek Nation? A Yes sir.
Q From the Creek Nation you did? A No, sir.
Q You are sure of that? A Yes, sir.
Q Did you ever apply to be enrolled by the Creek? A No.
Q was your mother a Creek citizen? A No, sir.
Q Nor your father? A No, sir.
Q What part of the Creek Nation did you live in? A Lived about fifteen miles from Muskogee, I don't know what district it was.
Q Did you marry in the Creek Nation? A No, sir.
Q Who did you live with in the Creek Nation? A My mother and father.

Commissioner: Lizzie Haynes applies for the enrollment of herself. She can not be identified upon the authenticated roll of 1880 or the census roll of 1896. She is identified upon the Kern-Clifton and the wallace rolls, as a resident of the Creek Nation, by her maiden name, Lizzie Daniels. She avers that she is the child of Burrell and Mary Daniels. She is now married to one Tinker Haynes, by whom she has one child, Edward, a year and eight months of age. Applicant's attorney and the attorney for the Cherokee Nation request that the testimony taken in the matter of the enrollment of Burrell Daniels, who is enrolled upon R card 40, and his son, Andrew Daniels, who has been listed for enrollment on D card 861, be made part of the record in the case at bar, and a copy of the testimony taken in the case of said Andrew and Burrell Daniels will be filed herewith. Now the said Lizzie Haynes and her child Edward will be listed for enrollment as Cherokee Freedmen upon a doubtful card. It will be necessary for her to file satisfactory proof of the birth of her child, Edward, its name not appearing upon any of the rolls of the Cherokee Nation.

She will be notified by mail of the action of the Commission when the same is arrived at.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and compl te transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 11th df July, 1901.

(Signed) T. B. Needles,
Commissioner.

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing, and the same is s true and complete copy of the original transcript.

Edith Lewis

Subscribed and sworn to before me this 9' day of July, 1904.

My Commission Expires January 19th 1906.

W. G. Martin Jr.
Notary Public.

R C.F. D-941. Lizzie Barnes.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 13, 1901.

In the matter of the application of Russell Daniels et al. for enrollment as Cherokee freedmen.

Supplemental testimony on behalf of applicants.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE O. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence. A. George O. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Russell Daniels? A Yes, sir.

Q How long have you known him? A I have known him about 22 years, or 20; well 22 years I guess, since 1882, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1883, and the next year would be 1884. A Well 1884 then.

Mr. Mellette: Where did you see Russell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1884, in November, during the Council.

Q What was he doing there at that time? A He came there to be recommitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for enrollment? A Yes, sir, I wrote it out; had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record, I am entitled to object to further examination along that line.

R C.F. D-941. Lizzie Haynes.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant;

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE O. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A George O. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 25 years, or 20; well 23 years I guess, since 1882, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1883, and the next year would be 1884. A Well 1884 then.

Mr. Mellette: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1884, in November, during the Council.

Q What was he doing there at that time? A He came there to be readmitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for re-admission? A Yes, sir, I wrote it out; had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record, I am going to object to further examination along that line.

Commission: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mellette will insist on going on.

Mr. Mellette: I think the fact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commission: This testimony will be filed in the following cases: R-40, D-861, D-916, D-917, and D-941.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of September, 1901.

M. D. Green
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 14 1902

ACTING CHAIRMAN

C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 5, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.
BY MR. HASTINGS:
Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Bean was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q Now do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent,-

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.

Q Did you know Tobe? A Tobe, Imean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides?

A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q AndI sent you over there? A Yes, sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q. He was living there? A Yes, sir.
Q Are you positive about it? A No, I wouln't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur G. Cronmyer

Subscribed and sworn to before me this 12th day of April, 1902.

Philip C. Curtis

Notary Public.

Book

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 8 1902
Acting Chairman

Subscribed to and sworn to before me this 8th day of August, 1902.

I, the undersigned transcript, being duly sworn, as a stenographer to the Commission to the Five Civilized Tribes do hereby swear that the same is a true and complete copy of the original transcript of the above and foregoing testimony taken in the matter of the application of Jackson Bell to be enrolled as a citizen of the Choctaw Nation.

To be filed with R-D-941-Lizzie Haynes.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:
Mellette, Smith & Cravens,
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace roll made by J. W. Wallace as shows the enrollment of J.x Andrew Daniels and family as Cherokee Freedman and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as showsthe enrollment of Burrell Daniels and family as Cherokee Freedmentand beneficiaries of the per capita fund of seventy five thousand dollars appropriated by the act of Congress approved October 19,1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1888, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified ~~in their cases~~ before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filedwith and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicant s are represented by Mellette, Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June, 1902.

(Signed) P. G. Reuter.

(SEAL)

Notary Public.

[illegible] the undersigned [illegible] to the
Commission to [illegible] that I
the [illegible] will [illegible]
copy of the original [illegible].

Subscribed to and sworn to before me this [illegible] day of [illegible], 1902.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings;

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lizzie Haynes, D 941;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

[illegible]

[illegible]

[illegible]

In the case of [illegible], trustee, vs Cherokee Nation, on file in the Court of Claims, is the counsel of the Cherokee Nation if it is desired to do so.

W. W. [illegible]

The Cherokee Nation most certainly strenuously objects to the allowance of this extension or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm or attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. O. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) J. G. Pauter,
Notary Public.

I, E. O. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. O. Bagwell

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

[illegible]

[illegible]

[illegible]

Freed D 826

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1903.

In the matter of the application of PERRY SNAIL for enrollment as a Cherokee Freedman.

Applicant appears by Hellstern & Smith. Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Milner, Trustee for the Freedmen, vs The Cherokee Nation, No. [illegible], filed in the Mariah Hayden case F. D 495, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Minnie Hayden, D 841;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court of the Eastern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any or the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Ramsey.

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) F. G. Pauter,
Notary Public.

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Bagwell

Subscribed and sworn to before me this July 29, 1902.

F. G. Pauter
Notary Public.

CTCR 393.

FILED
JUN 1905
COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT DIVISION.
MUSKOGEE, I. T., JUNE 8, 1905.

Cherokee Freedman R-40 et al.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee freedmen, consolidating the applications of

Burrell Daniels et al----------C. F R- 40
Andrew Daniels et al.----------C F D-941--R-393.
Lizzie Shaffer et al.----------C F D-916--R-396.
Mary Hill et al.----------C F D-917--R-394.
Lizzie Haynes et al.----------C F D-941--R-393.
Mack Daniels et a.----------C F D-1089-R-392.
Thomas Daniels et al.----------C F D-1100-R-391.
Burrell H. Daniels et al.----------C F D-1101-R-390.

APPEARANCES:
For the applicants, Blue & Bulger.
For the Cherokee Nation: W. W. Hastings and J.S.Davenport.

It appears from the records of the Commission that on January 18, 1904, the Commission rendered its decision in the matter of the above applications denying the applications. That on January 19, 1904, the record in the matter of these applications was forwarded to the Department and the action of the Commission was approved by the Secretary of the Interior on June 24, 1904. It further appears that on May 13, 1905, the decision of the Department affirming the decision of the Commission was remanded and the record and the papers returned with a request that a rehearing be had in the matter. Now on this day pursuant to notice the applicants herein appear both in person and by their attorneys, Blue & Bulger of Vinita, I. T., the Cherokee Nation represented by W. W. Hastings, one of the attorneys of the Nation.

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The following testimony was introduced on behalf of the Cherokee Nation.

R. W. LINDSAY, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A R. W. Lindsay.
Q What is your post office? A Choteau, Indian Territory.
By MR. HASTINGS:
Q What is your age? A 73.
Q What is your posteffice? A. Chpteau.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q Were you married when the war came up? A. Yes sir.

Q To whom were you married? A Mariah Bryant.
Q Who was her father? A Joel M. Bryant.
Q Was he commonly known as Colonel Bryant? A Yes sir.
Q Did you know the applicant, Burrell Daniels, before or during the war? A I knew him during the war,
Q I mean the applicant here? A Yes sir, I knew him as good as anybody.
Q Where did you first know him? A Well I have seen him the first to know him was at out six miles east of Van Buren Arkansas.
Q When was that? A About October, 1862.
Q In whose family was he at that time? A. Col Bryant, his property at that time.
Q Did he own him at that time? A Yes sir.
Q Did Burrell Daniels have a wife then? A Yes sir.
Q Do you remember what her name was? A Yes sir, Miranda.
Q Did they have some children? A Yes sir.
Q Do you remember how many? A Lets see, I can recollect the names of Lewis, Nancy, and Abe, there were about five to the best of my knowledge, but they have all died except one or two.
Q To whom did Miranda and the members of the Burrell's family belong? A Col. J. M. Bryant.
Q That was in October, 1862? A Yes sir.
Q Where did Col. Bryant's family go during the war? A They went from that place for a little while close to Dansville, Ark. for a few months, and then went south to Red River ten miles east of Doaksville, Choctaw Nation, one year, and then removed from there to a point 17 miles southwest of Doaksville in the Choctaw Nation.
Q Where were they at the close of the war? A They were at this place 17 miles southwest of Doaksville in the Choctaw Nation.
Q Did they subsequently remove to Texas? A Yes sir.
Q Just go ahead and make a statement? A I was in the army and was travelling under the orders from Shreveport to report to General Cooper, commanding the division of the Indian Territory, C. S. A. and when I got to Paris I heard from a party there that Col. Bryant's family had removed across the Red River, and I went there and met them there and Burrell Daniels was there with them.
Q When was that? A In the early part of May, ~~1862~~ 1865.
Q Where did Col. Bryant and where did you go from there? A I don't recollect the distance but it must be 40 or 50 miles up Red River to Warren where Col. Bryant joined us there.
Q Where did you go from Warren Texas? A We statrted from there and went to Chihuahua, Mexico.
Q Was Burrell~~XX~~ Danile with Col. Bryant's family at Warren, Texas?
A Yes sir.
Q Now tell of the circumstances of Col. Bryant's going to Mexico and of his taking this family with him? A He went to Mexico and this family of Burrell's and another family of negroes, 5 or 6 in number, he taken them along with him, they all went together.
Q Did he force these people to go with him?

Mr. Blue: I don't think that is competent, I think that is a conclusion rather than a statement of facts. I think he ought to state the facts and not undertake to give conclusions.

A No sir, he didn't force them.

Q Now tell about it? A As I understand it was entirely amicable, I didn't hear of any objection at all, Burrell and his wife, Miranda were very confidential servants you may say, it was their matters and they went along freely as I expect he ever did anything in his life, as I understand they were to go with them to Mexico.
Q What was Col. Bryant intention of going to Mexico at that time?
A Well it was just after the war and things were so that he had to go some place, as a good many called it to get out of the way of the Yankees.
Q Were these parties compelled to go? A No sir, they stopped at a place I think 210 miles northeast of the Rio Grande, where we stopped and liberated the slaves and rested for several days, and Mr. Bryant made a contract with Burrell and I think maybe his wife, that when they got over into Mexico they were to work and pay the transportation, and I think maybe the amouny was fixed,I am not certain about that, and then when we got to the City of Chihuahua, and after awhile we moved down three miles east of Chihuahua, and we had been there a few weeks when Burrell taken up his family and skipped off into the City from the camps where we camped at, and Mr. Bryant come there and found him in the city, and he brought suit against him before the the court there, and he got judgment, I don't recollect the amount of the judgment though.
Q What did he bring suit for? A On account of the contract for services, he brought suit there for the money or for the services he agreed to pay him.
Q For what money? A For transportation under this contract entered into at Fort Stocton. He got the judgment and of course that would compel the services or the money, I don't know what the amount of the money was, but Governor Terasso, Lewis Terasso paid the money and then, under the laws there, of course, Daniels became a subject to him for the amount of money to satisfy that judgment.
Q Then this contarct that was entered into was to pay for the transportation of Burrell Daniels and the members of his family from where they had previously started over into Mexico? A. Yes sir that was it.
Q And you say Bryant got judgment for some amount but don't know the exact amount? A No sir not the exact amount.
Q Burrell Daniel's has testified the amount is $113.00, do you remember about that? A I don't recollect the amount, I have heard them speak about it.
Q You say that Lewis Terasso paid the judgment? A Yes sir, paid the judgment.
Q And that ended Burrell's connection with the family? A Yes sir
Q Was that in 1865? A Yes sir, that was '65, about September, 1865.
Q About how long did you stay after that? A About two years.
Q You and did Col. Bryant stay there two years after that? A Yes sir we came back together.
Q Did you ever see Burrell Daniels here after that time? A No sir not until 1888, I saw him in Tahlequah, I saw his oldest son frequently.
Q When did you say you saw him here? A. In 1888.
Q You don(t know just exactly when that was, when he returned?
A. No sir.

BY MR. BLUE:
Q You say you were a son-in-law of Col. Joel Bryant? A Yes sir

Q Was Bryant a Colonel in the Confederate Army? A. Yes sir.
Q Was he in command of a confederate force in 1865? A. Up until about may in 1865 I think everything went to pieces about that time.
Q Was he ordered to turn in? A I wasn't with him, I did what I was ordered to do and I met his family and mine and we went up above, I don't know anything about that. The equipage he had was perhaps his own, men these times furnished according to his own skillet.
Q Were you with Bryant in 1865? A No sir just met him at Warren, Texas.
Q In what year? A '65
Q And who was with him at that time? A When I first met him there were two young men, one by the name of Lem Smith and Joe Bennett.
Q I mean what companies he had? A No companies, those two men were the only ones. Afterwards two other parties came in that belonged to his commands. These were all he had, no one but these two when he came down from Washita of his command, didn't have any command then, they had disbanded.
Q What was Bryant doing down in that part of the country at that time? A He came from Washita to meet his family and fixed up to go to Mexico.
Q What was his object in going to Mexico? A. I said to get away from the Yankees.
Q Was it customary for the Yankees to make it unsafe for the ex-confederates? A I don't know, we didn't know at that time.
Q You were going away from the Yankees and there wasn't any there? A That is my idea, I couldn't tell any other idea.
Q Thenyou went from there to the City of Chihuahua? A. Yes sir.
Q And was this Burrell Daniels and his family the only colored prople with you? A. No sir, there was another family about 5 or 6 I think.
Q Were they trying to get away from the Yankees too? A I couldnt tell what their motives were. They were old family slaves except two.
Q They were slaves of Joel Bryant then? A Yes sir, and you dont know or anybody else how close old slaves would be to us during those days.
Q You say Burrell Daniels was with Joel Bryant in 1862 in Arkansas? A Yes sir, that was when I first met them, in August, 1862, I think Joel Bryant bought him from Thompson out here just a little ways east of here, I only heard of them speaking of the transaction.
Q You don't know it? A No sir, only heard it but I know they were up that way.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir.
Q Do you know from whom Johnson had bought Burrells? A From Robert Daniels.
Q What part of the Territory did Johnson live in in 1862? A Johnson lived on his place, it was about ten miles little southeast of where Vinita is now, and Robert Daniels lived on the Texas road just north of him.
Q ~~Where did Johnson Thompson go then?~~ A He had gone to the Choctaw Nation; I could see him around and I think he was a Commissary perhaps in the first Cherokee regiment. I frequently saw him on the trail sometimes we had a good night sleeps and sometimes we would be running.

Q Was that first Cherokee Regiment a Confederate force? A Yes sir that was the one, there was a first Cherokee regiment and there was a second Cherokee regiment.
Q What was the number of Col. Bryant's regiment? A I don't recollect, I wasn't with his regiment, I was with a different command all together, that has been a long time ago and I have forgotten it.
Q Did Johnson Thompson at this time have any other slaves except Burrell Daniels? A Yes sir considerable.
Q Did he move these with him? A I don't know they were with the family, his family went to Red River, I expect they went there in 1862.
Q About the same time that Daniels went at the Choctaw Nation?
A About the same time he moved down he was moving when they made the deal out here at a little spring close to Frozen Lake.
Q Do you know why they went to the Choctaw Nation? A Yes sir.
Q Why? A The Yankees were in it again.
Q Do you know that Burrell Daniels was sold by Johnson Thompson to Col. Bryant? A Well I know just only from heresay, the old man Bryant said he had bought him from Thompson, and I think Thompson had brough him from Daniels.
Q Was it not customary in those times for a slave owner to put his slaves with some army officer for protection? A Not then, no sir, not until things--- we held the ground, it was all our way then.
Q What time of the year was that? A That was during the summer of 1862. I said it was about August when they made this trade.
Q In the latter part of August you made this trade, didn't the northern forces come down here and wasn't John Ross and family north with them? A They had previously to that time, but they got away rapidly, we were master of all we surveyed then, but I say we didn't hold it long.
Q If you were monarch of all your surveys here why did you go sou south? A We took a good stand, and made a good run.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Are you enrolled as such? A Yes sir.
Q How long have you lived in the Cherokee Nation? A You count from the 2nd day of November 1859 up to this day.
Q From what place did you come to the Cherokee Nation? A From Kansas City, Missouri.
Q Are you a Cherokee by blood? A No sir, by marriage
Q Then you were here or hereabouts all the time of the war until in 1865 when you started to old Mexico? A Yes sir.
Q And you were with General Cooper, if I understand you? A Yes sir.
Q What regiment? A Second Cherokee regiment two years, and I was with the artillery the last of the war.
Q When Col. Bryant started from this place was it his intention of going to old Mexico? A Yes sir that was it.
Q How many people were they with Col. Bryant at the time he started to Mexico? A Besides his own family, I don't think there was over, at that time, ten more men. There were several more than members of his family, I would say a dozen at the outside.
Q Did he have some young boys? A He had only one son.
Q Was there any others? A One boy started with him and then way down about Waco another boy came in.
Q How did you travel from going from this place in Texas to Mexico? A We travelled in wagons.

Q Some on horse back I suppose? A. Some on horse back, a few.
Q How did you subsist in going through that country? A We had beef cattle, some milk cows they had that the family was using I think and traded for.
Q About what sized herd? A Not very large butI would say 30 or 40 head perhaps, it wasn't a big herd, small
Q And you took them along to subsist on? A Yes sir.
Q Was that stock of the family or was it property of a party for all? A No sir they were Bryant's property, he footed the bill.
Q While in travelling from Warren, Texas, did you go by an old travelled route et otherwise? A We travelled the usual travelled route.
Q Did you find any Yankees in the way out there? A Not a single Yankee.
Q From Waco did you take the usually travelled route? A Yes sir, until we got to San Babán, and then it was the other route, we went to Belton, and we passed Yeupusa and Sansaba, and then we took a little by way to Fort Stocton.
Q After you heard that the Yankees were in that vicinity you didn't travel the route usually used? A No sir the Yankees were not in that vicinity, they were down to Houston.
Q Now this old Fort Stockton, how near was that from the divide? A It was 210 miles to the best of my recollection.
Q Your recollection is it was 210 miles from Fort Stocton? A Yes sir that is my best recollection.
Q That was the last stopping place so to speak until you get down to Presidio? A It was 122 miles to Presidio.
Q What I wish to know, from the time you left Fort Stockton until you got down in the vicinity of Presidio did you fine any other stopping place? A No sir that was the first stopping place.
Q Was that a settled country? A No settlement at all.
Q Was it an arid place during those days? A Yes sir.
Q You came through to this Cotton Wood Spring and there you stopped for a time? A Yes sir.
Q About how long before you went on? A Perhaps it was six days.
Q Than you crossed into old Mexico? A Yes sir.
Q After you got into old Mexico you remained there how long? A Two years.
Q Now isn't it a fact that Col. Bryant took judgment against other colored people that was with him? A No sir only Burrell and his family.
Q Do you know anything about how Burrell Daniels got out of Mexico? A No sir didn't see him any more after he left the camps there.
Q You spoke of seeing his oldest son? A Yes sir.
Q That was really a peonage son too? A Yes sir.
Q As a matter of fact there was no such thing as slavery there as it was in the United States? A No sir it was a contract you see.
Q Simply sell into bondage until the debt was extinguished? A Yes sir that was of it, if necessary I can briefly ~~XX~~ state it, that if you make a contract with a man he could work it out. You know what peon mean, it means just servitude of labor it w as under a contract for a debt.
Q ~~As I understand it under that contract they were sold into sla~~ very until the debt was extinguished, if it wasn't paid. A No sir, I beg your pardon, you cou d compel him to make that servitude or get the money and pay you.

Q New at the time you got there into Mexico, as you have stated, what government was in power then, the Mexican Government or the Government of Maximillian? A Maximillian.
Q During the time you remained there what government was in power? A Most all the time Maximillian, about the time we left there the Maximillian government was overthrown, just a little while before we left.
Q Was the government changed back to the Mexican control before you left? A Yes sir.
Q Did either you or Col. Bryant while you were there in old Mexico participate in the government in any way? A No sir.
Q You and he were there simply as citizens and trying to live there? A Yes sir.
Q Did Col. Bryant return back to the United States after that? A Yes sir.
Q And you did also? A Yes sir.
Q Have you ever held and official position in the Cherokee Nation? A I have been a member of the National Senate in the Cherokee Nation.
Q Have you held any other official position? A No sir.
Q Have you been a member of the National Senate of the Cherokee Nation more than once? A Only once.
Q When was that? A It was in 1887 and '88.
Q Now I will ask you do you remember when Bushyhead was elected Chief? A The first time was '79 and the second time in '83.
Q Then he was Chief of the first election how long? A 4 years.
Q Reaching from what time? A '79 to '83.
Q How long was he chief the second time? A. 4 years.
Q Do you remember when he was inducted in office in 1883? A It was supposed to be about the first Monday in November, ' 83.
Q Then the term of that office would run 4 years? A Yes sir.
Q Was he chief of the Cherokee Nation any other terms than these two? A No sir, that was all.

BY MR. HASTINGS:
Q You and Col. Bryant then went to Mexico in 1865 with the intention of living there at that time? A Yes sir, that was the intention.
Q And you started from near Warren, Texas? A Yes sir.
Q Was Mr. Baugh, his other son-in-law with you? A Yes sir.
Q That is the other witness out here? A Yes sir.
Q And you say Burrell Daniels and his family went with you voluntarily? A Yes sir.
Q Was he compelled to go by Col. Bryant? A No sir.
Q Another family of slaves went with you at the same time? A Yes sir.
Q Were they compelled to go with you? A No sir, and he proposed to bring them back at the same time. They stayed with him the length of time working for themselves, and when he came back he told them he would bring them back with him.
Q They had a signed contract with him to pay for their transportation did they? A Yes sir.
Q After they got over to Chihuahua Burrell refused to comply with the terms of the contract? A Yes sir, that was about it, he left Mr. Bryant's ~~xxxxxxxxxxxx~~ services.
Q Left owing for this transportation? A Yes sir.
Q And as I understand you Mr. Bryant, in the proper courts down there, brought suit for this transportation? A Yes sir.
Q And he got judgment? A Yes sir.
Q And this Governer of Chihuahua, Lewis Terasse, paid off the judgment under Mexican law? A Yes sir.

Q And Col. Bryant had no more to do with it? A No sir.
Q What ever was done by Col. Bryant was done there in accordance with the Mexican law and the action of the courts? A Yes sir.
Q Col. Bryant never sold him into slavery or peonage, only got judgment against him? A That was it, under the law he could have held him until he got it.

BY MR. BLUE:
Q You started from this point in Texas you have stated as I recollect it, that it was in May, 1865, when you started to Mexico, what day in May? A. I couldn't recollect, I think it was in the early part of May, perhaps the middle.
Q Now as a matter of fact when you started these people were slaves of Col. Bryant? A Yes sir, ~~they~~ so considered.
Q Were they slaves when you went into Mexico? A, No sir, he had liberated them at Fort Stockton.
Q What was Burrell Daniels and his family doing during the time they were travelling, going through there? A Burrell was driving one of the teams, and his wife was cooking for Col. Bryant's family.
Q As a matter of fact Burrell and his wife were working for Col. Bryant? A Yes sir.
Q And did work for him up to Fort Stockton? when this contract was made? A Yes sir.
Q Now did Col. Bryant at that time pay Daniels and his wife anything for their services? A I would say not, my impression is that he didn't pay them anything.
Q This proceeding out there in Mexico by Col. Bryant by which this judgment was obtained, was it under the rule of Maximillian? A Yes sir.
Q Did you or Col. Bryant, either one become citizens of Mexico? A No sir.

Q Did Col. Bryant take out any papers there? A No sir.

BY MR. HASTINGS:
Q Were you there on July 19, ~~18x~~ 1866? A Yes sir.
Q Was Col Bryant there? A Yes sir, I was there until '67.
Q What time did you leave there in 1867? A In the latter part of July, '67.
Q Did Col. Bryant also leave at that time? A Yes sir, we left together.
Q I believe you stated that Col Bryant didn't force either of these families to start with you from Warren to go to Mexico? A No sir he didn't.
MR. BLUE:
Q You also stated that Burrell Danils and his family were slaves at that time? A Yes sir.
BY THE COMMISSION:
Q Is Col. Bryant dead? A Yes sir.
Q When did he die? A About 1899 or 1900, I couldn't state which
Q Only about 5 years ago? A Yes sir, just about 5 years ago.
Q Where did he die? A Up there at Choteau.
Q How far is Stockton from Tahlequah? A It is a long ways.
Q What is your best judgment? A I would say about 800 miles.
Q Up until you reached Fort Stocton Burrell Daniels and his family were slaves? A Yes sir.
Q How many of those slaves that were liberated at that time returned to the Cherokee Nation at once, all of the slaves you had with you, did you take them all to Mexico? A About all, yes sir, I don't believe but two of them came back when we did.

Q Is it a fact that the slaves that you had at Warren were all with you still at Fort Stockton and they were still with you when you went into Mexico? A Yes sir.
Q And they were with you in Mexico? A Yes sir.
Q The party wasn't brokern up at all? A Not until we made a step in Mexico.
Q Do you know how far Warren, Texas, is from Tahlequah? A It is a little more than 200 miles.
Q How far is Fort Stockton from Chihuahua? A It is about 400 miles.
Q How far is San Antonio from Tahlequah? A It is about 600 miles.

WITNESS EXCUSED.

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J. H. BAUGH, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A J. H. Baugh.
Q What is your postoffice address at present? A Muskogee just at present.
Q How old are you Mr. Baugh? A I am 80 years old.

BY MR. HASTINGS:
Q When were you first married? A In 1854.
Q To whom were you married? A To Charlette Bryant, Bryant's oldest daughter.
Q Was she the eldest daughter of Col. J. M. Bryant? A Yes sir.
Q You are a brother-in-law of Mr. Lindsey who just left the stand? A Yes sir.
Q Were you living near Col Bryant when the war came up? A Well yes I was, Bryant lived on the east side of the Grand River and I was most of my time,---Bryant lived on the west side of Grand River, I should have said, and the most of my time I was over in the hills near Spring Creek running some saw mills.
Q Do you know Burrell Daniels? A I used to know a negro by that name, I wouldn't recognize him now.
Q Did he have a wife named Miranda? A Yes sir he had a wife, I don't recollect what her name was.
Q When did you first know these colored people? A Well my recollection is pretty bad about the dates or anything of that kind.
Q Was it during the war or before the war? A It was during the war.
Q Where did you know them? A I knew them on Frog bayou I think first, or Duchess Creek.
Q Where was that, in what State? A In Arkansas.
Q Did they belong to Col. Bryant then? A They did.
Q Where did you know them, if you knew them at all just after the war? A Out on Bed River in Fannin County near Bonham in Texas.
Q Where were they when the war closed, were they there when the war closed? A Who, them niggers.
Q Yes? A Yes sir.
Q Where was Col. Bryant's family? A They were on the east side of Red River at what is called Horse Prairie not very far from where Sampson Fulsom used to live in the Choctaw Nation. They went over into Texas then and fixed to go to Mexico after the surrender.

Q Did they go to Mexico? A They did.
Q Do you know whether this family of Burrell Daniels and his family went with them or not? A She did.
Q Did he? A Yes sir.
Q Where did they start from the go to Mexico? A They started from out there not far, it is on the east side of Red River.
Q Do you remember the town of Warren, Texas, how far is it from it? A I don't recollect any such town as Warren.
Q Your memory is bad about these names and dates? A Yes sir very bad.
Q You were along with Mr. Lindsey when you started were you not? A Yes sir.
Q Did Burrell Daniels and his family go with Col. Bryant and your family? A Yes sir, they did.
Q State whether or not that he went with him voluntarily or how he went? A Well there was no complication as I know of, if there was any I don't know it, of course there was a crowd of us all went together and I don't know of them compelling any one to go.
Q About what time of the year did you start to go to Mexico? A It must have been the latter part of May or the first of June, I am not certain, I think it must have been in the latter part of May or the first of June that we started to Mexico.
Q Was that in 1865? A '65, yes sir.
Q After you got to Mexico what became of Burrell? A He stayed around there with Bryant's family awhile then Burrell, he skipped out and went to Chihuahua, we lived 6 or 7 miles from Chihuahua and they went up there.
Q Who went up there? A Burrell and his family.
Q How long had they been there with Col. Bryant when Burrell Daniels left and went up to Chihuahua? A Couldn't tell you.
Q Well was it a short time or considerable time? A I suppose it was a month or two, I don't know exactly.
Q What did Col. Bryant do about it? A He sued them, he claimed that he had a contract, I don't know anything about that part of it, they had agreed to pay him for their transportation across the plains and when they runed off, they were to work for this transportation, work for Bryant. When they runed off then he entered suit against them and got judgment and Burrell didn't have any money to pay it and he got Governor Terasse to pay the amount, whatever it was, and agreed to work for Terasse until he paid the debt.
Q You say Burrell got Terasso to pay the debt? A I suppose he did, I don't suppose he would have paid it unless he asked him to do it.
Q Did Col. Bryant have anything more to do with Burrell Daniels after that? A Not that I knew of.
Q Were you a witness to that contract that Daniels was to pay him for his transportation? A No sir.
Q You only heard that there was a contract entered into? A Yessir
Q Do you know of Col. Bryant getting judgemnt against him in the Mexican court? A Well I was not a personal witness to it but that was my understanding.
Q You were there, a member of the family at the time? A I was living in Chihuahua at the time and Mr. Bryant and his family lived about 4 or 5 miles east of Chihuahua.
Q How long did you remain down there in Mexico? A I stayed there nearly ~~two years, I lived~~ there until in June, 1877.
Q 1867 you mean? A '67, it was June '67.

Q Did you all leave Texas to go to Mexico with the intention of living there at first? A That was our intention, then matters were not settled here and we didn't know how things would go in this country so we went to Mexico, and I always wanted to go to Mexico anyway, so it just suited me.
Q Did you ever see Burrell after Col. Bryant got judgment against him and after he went from under his control? A I couldn't answer that question because I can't recollect what, I may have seen him, but I don't recollect.

BY MR. HLUK:
Q How old are you Mr. Baugh? A 80.
Q How long have you lived in the Cherokee Nation? A 52 years.
Q From what place did you comw to the Cherokee Nation? A I came from Texas here.
Q Have you lived here continuously ever since you came, except what time you were in Mexico? A Yes sir, I have been in the Cherokee Nation most of the time and I have been here all of the time except once in awhile I would go down to Texas and stay a month or so.
Q Were you in the Confederate services? A Yes sir.
Q In what Confederate regiment? A In Stand Waitie's regiment.
Q Did you at any time serve in Col. Bryant's regiment? A No sir.
Q Was Col. Bryant a Cherokee? A No sir only had a Cherokee family
Q He was a Cherokee by adoption them? A I suppose you would call it that; I don't think they are adopted any more.
Q He had been recognized as a Cherokee citizen? A Yes sir.
Q And you married his daughter? A Yes sir.
Q His wife was a Cherokee woman? A Yes sir.
Q Have you been recognized as a Cherokee citizen and enrolled as such? A I have been enrolled as a Cherokee citizen.
Q Then you have been treated and regarded as a Cherokee citizen ever since your marriage to Col. Bryant's daughter? A Yes sir.
Q Where did you join Col. Bryant's party that went to Mexico after the war? A Some where out there west of Benham, I think.
Q That was in Texas? A Yes sir.
Q Was it at a town or village or city or some camp? A He just camped out.
Q Now when you joined that party, who if anyone, joined with you? A Well now then here, I will state the case this way; there was Bryant and his family and Bryant had a lot of men along with him, soldiers that was in the war that was going to Mexico with him and we all camped over there on the other side of the river together. I don't know as I joined the company any more than any one else, I just went along with my family.
Q At the time you started, this party of you people for Mexico, about how many ~~of~~ were they of you? A I suppose there was about 50.
Q Well of that 50 people how many of them were exconfederates soldiers? A I don't know, there was I suppose 15 or 20 perhaps that went along that was part of the way out there and they branched off and some of them I think went up toward ElPaso.
Q Where did they branch off from you at? ~~Q~~ A They branched off at, ~~my recollection is very bad--well now I think it was about Fort~~ Stockton somewhere along there, that some of them left us.
Q About how many of them left there, if you remember? A I don't remember.
Q How did you travel from this place in Texas over to Mexico?
A We went in wagons and teams.
Q Any of you on horse back? A There was a good many of those boys that were with the family went along horse back.

Q Were you a slave holder in those days? A No sir my wife had a little negro girl.
Q Was she along? A She was along.
Q What became of her? A She died in Mexico, I think those Mexicans poisioned her.
Q Was she sold into slavery in Mexico? A No sir.
Q Did she live with you after she got to Mexico? A Yes sir.
Q Did she live with you up until the time of her death? A Yes sir
Q How many slaves did Col. Bryant have with him of his own slaves from the time you started to old Mexico? A I don't remember exactly, how many I couldn't tell you. They took acut there--there was one family that belonged to his mother-- let's see--- there was 3 or 4 of them maybe, I don't recollect exactly how many, I can't remember.
Q Did he have Burrell Daniels and his family along with him?
A Yes sir.
Q Burrell at that time was his slave? A They were when they started from here until the surrender come, there was no slaves after that.
Q What did he do about the matter when he got over to Fort Stockton? A Of course the understanding was that Mexico was a free state, and that this fellow Burrell and his family agreed to pay his transportation to Mexico and he was to work out the money.
Q That is for carrying him over to Mexico? A Yes sir.
Q When he started Burrell was his slave? A If there was any slaves after the surrender.
Q Burrell understood he was his salve at that time? A Yes sir.
Q And he held Burrell and his family in slavery until he got out to Fort Stockton? A I couldn't say.
Q Did he out at Fort Stockton make some kind of a release of them and brought them over there? A I couldn't testify to that, I wasn't present at the time it was done but that was my understanding.
Q At that time he agreed to free them and he was to pay him for carrying them a cross there? A Yes sir.
Q And that contract was he was to work out that bill over in Mexico when they got there? A Yes sir.
Q And after they got there it seems that Burrell went up to Chihuahua and refused to carry that contract out? A Yes sir.
Q And then he proceeded under the Mexican law against Burrell there? A Yes sir.
Q What government was in control of Mexico at that time? A the Liberals.
Q Was it a government of the Mexican people at that time? or Maximillian? A It was the Mexican people.
Q Do you remember what year that was? A That was in '66 I think, I was there in '66 and '67 and I think it was in'66.
Q Do you remember when you and Col. Bryant's party passed into old Mexico? A Very well.
Q What was that date? A I don't remember the date but I recollect the time.
Q You say you started in May or June of 1865 from Texas? A Yes sir.
Q How long were you on the way? A Well we must have been maybe 5 or 6 weeks, I don't know for certain, I can't recollect.
Q Then you probably crossed over into Mexico in July or August of 1865? A Yes sir.
Q Do you remember of stopping at some springs up near the line?
A At Leon Holes.

Q I will ask if when you started from Stocton what place in Mexico fif you intend to go? A Our calculation was to go to the State of Sonora, then we aimed to go to Chihuahua, after that we give out going any further.
Q Do you remember of stopping at some ~~mf~~ springs about 20 or 30 miles of the line either Cotton Wood Springs, or some such springs as you stopped? A It was no place, only a hollow between two hills.
Q You camped there didn't you? A We camped there a little whil
Q Now as a matter of fact during the time that you were in Mexico up until just before you left there Maximillian was the emporer of Mexico was he not? A Well I don't know that he was, he was not recognized in Chihuahua at all.
Q He had the capital city and was in control of the government?
A Yes he left the capital at Chihuahua ~~xxxxxxxxxx~~ was in control of the Tradoras, that was a traitor to the Mexican government.
Q At any rate he was an adherent of Maximillian? A Yes sir.
Q And the city of Mexico and the government was in the hands of Maximillian? A The City of Mexico might have been but Chihuahua where we were was in the hands of the French.
Q How long did you stay there all together? A A little less than two years.
Q When you returned from Mexico, who, if any one, came back with you? A No one came back with me but my family, my wife and children.
Q When you came from Mexico to what place did you return? A I stopped up on Grand River.
Q I mean did you return to the Cherokee Nation? A Yes sir, to Cooweescoowee District.
Q So far as the contfact that was made between Col. M Bryant and Burrell Daniels and his family you know nothing only by heresayE
A Nothing at all.
Q When did you first see Burrell Daniels that you remember? A I couldn't remember that.
Q Where did you first see him? A Couldn't remember that.
Q Do you know that Col. Bryant's family was down in the Choctaw Nation during part of the war? A I do.
Q Were they in Arkansas too? A Yes sir, they were at Evansville.
Q Do you know whether they lived in Texas during the war? A Not only when they went there to go through.
Q During the time you were on this trip from Texas to Mexico,what did Burrell Daniels and his family do on the trip. A I think maybe Burrell drove a team.
Q Wasn't he a blachsmith? A If he was, I don't know it.
Q What did his wife do on that trip? A I don't know unless she helped the women cook.
Q As a matter of fact Burrell Daniels and his wife worked for Col. Bryant all the way over there? A I guess they did.
Q You also had a herd of catgle that you subsisted on? A Yes sir we carried some beef cattle along with us.
Q And some cows? A Beef cattle principally.
Q About how many did you have with you? A About 50 or 60.
Q Did you have any oxen with you? A Yes sir,I had an ox team.
Q State if you know why Col. Bryant's family during the war sometimes lived in the Choctaw country? A Just cause they couldn't live up here.
Q Why couldn't they live up here? A Cause they were Southern people.
Q And then they lived down in Arkansas and the Choctaw country to get out of the way of the Yankees during the war time? A That is what they did.

Q You say you don't remember when you first saw Burrell? A Nosir
Q Do you remember anything about his belonging to a man by the name of Daniels at the commencement of the war? A No sir, I knew some Daniels.
Q Did you ever know anything about his belonging to a man by the name of Johnson Thompson? A I knew Johnson Thompson.
Q Then when you first saw him he was with Col. Bryant? A Yes sir
Q Did you during that time see Col. Bryant in the Choctaw Nation at that time? A Bryant was there part of the time.
Q Do you know whether or not he left the Choctaw Nation to go to Texas at the time he started to Mexico? A He left the Choctaw Nation to go to Texas.
Q Did he go from the Choctaw Nation over into Texas before he started to Mexico? A That was my understanding.
Q Were you with him in the Choctaw country? A I was then about 3 or 400 yards of where his family lived.
Q Then you saw him in the Choctaw country before he crossed over into Texas? A Yes sir.
Q About how many slaves did Col. Bryant have in his party when he started to Mexico? A I don't know, I suppose 15 or 20, I couldn't by any ways correct, I never paid any attention to it.
Q There was something like 15 or 20 then? A I think so.
Q Now outside of Burrell Daniels family what family of the rest of these slaves did you know? A Some of them went to Mexico.
Q Are you sure about that? A I don't know?
Q As a matter of fact didn't your party including these slaves after they got down there to the line, didn't you all first cross over into old Mexico, slaves and all? A They all went with us.
Q Now you say the slave girl that belonged to your wife died in old Mexico? A Yes sir.
Q Now outside of Burrell Daniles family what became of the rest that were carried into old Mexico? A Some of them came back and some of them stayed.
Q Did you ever see any of those that came back? A I have.
Q Who were they? A One was a negro woman named Bettie that belonged to Mrs. Buffington.
Q What was the name of the other? A That came back, I don't know of any others. Lets see, I believe Bettie is the only one that I recollect of seeing to come back.
Q Where is she now if you know? A Up here about Chateau.
Q I she still living A She was a year or two ago.
Q Do you know about how far is it from Chihuahua to Tahlequah?
A No sir, I couldn't tell you.
Q About how far was it from Chihuahua to San Antonio? A I think it is about 7 or 800 miles, Maybe 900, let me see, it is from Chichuahua to Fort Davis is about 200 miles, and from Fort Davis to San Antonio I Think is 500 miles. Well, it is about 7 or 800 miles from Chihuahua to San Antonio.
Q Now can you give me an estimate of the distance from San Antonio to Tahlequah? A I would have to get a railroad map and figure it up.
Q When you reached Fort Stocton with this party about how far were you from the Cherokee Nation? A I would have to have a pencil and map to tell that.
Q About how many miles do you think it was? A That is too hard for me.
Q Now when you travelled over that country from this point in Texas from which you started to Mexico by the route you took, was it a settled country or wild and desolate? A It was settled until after you left the Colorado River, out west

here at the head of the Concho River there was no settlement there until you reached the Rio Grande. It is considered 90 miles from the head of Concho River to the Pecos, that distance is a desert, no water.
Q Then you had to carry water over there? A Yes sir.
Q Then that coutry was a wild and part of it an arid country where you crossed over? A Yes sir.
Q How did you subsist while you travelled over there? A We subsisted on meat and bread and water.
Q Did you carry the bread with you? A Of course we carried flour and we had beef and salt.
Q I understant that you say that just prior to Mr. Bryant's starting to Mexico you and he lived near each other in the Choctaw country? A Yes sir, my family and me and Bryant's family we lived close together ~~w~~ awhile.
Q How long did you live there before you went over into Texas? and started for old Mexico? A I expect about 12 months maybe.
Q Did all those negroes that he had with him there in the Choctaw Nation did he take with him to Mexico? A I couldn't say.
Q You don' know of any of the negroes that were with him there, that he didn't take, do you? A No sir.

BY MR. HASTINGS:
Q Now how many negroes did he get into Mexico with that you remember, your best judgment, about that? A I expet about 10 or 12.
Q Was there more than one family besides Burrell Daniel's family?
A ~~Ye~~ Yes that is there was some other mingers, I don't know ~~xxx~~ as any of them had any family they were mostly women.
Q Did they belong to Col. Bryant or some other members of the party? A Yes they belonged to Bryant and some, there was one that belonged to Lindsey's wife, and one belonged to Mrs. Buffington, a girl, and one that belonged to my wife.
Q Now I will ask about those slaves that Col. Bryant took over there, did he have any other besides the Burrell Daniels family and one other family? A Lets see, I think there was two other girls, maybe they called one Rainy and another girl,--- I forgot her name.
Q All of Col. Bryant's original slaves did not go to Mexico did they? A No sir, I guess not.
Q And they all didn't start with you to Mexico? A No sir.
Q You were not present when that contract was signed with Burrell Daniels to pay back his transportation to Col. Bryant? A No sir I was not present.
Q But you understand one was signed? A I couldn't recollect knowing about the contract, only it was my understanding that there was a contract of that kind.
Q And he sued him and got judgment upon this contract? Yes sir.
Q Now you were asked about your citizenship and that of Col. Bryant awhile ago and you laughed, why was that, is your citizenship a proposition that is in question, the intermarried whites of this country, there rights is in the Courts isn't it? A Yes sir, I guess so.
Q Well I am asking you, Col. Blue was asking you about whether you were a citizen and whether Col. Bryant was a citizen? A What I was laughing about he asked me if Col. Bryant was an adopted citizen, Well I don't know whether he had ever been adopted or not, he was married in to the Cherokee Nation.
Q He was a white man himself? A Yes sir, he married a Cherokee woman but whether or not he had ever been adopted I don't know, adopting and marrying into the Cherokee people is a different thing aint it?

Q Do you know from whom Col. Bryant bought Burrell Daniels? A No sir I dont.
Q Now didn't you answer ahile ago that the first time you saw Burr ll Daniels was in Arkansas? A It appears to me that he must have been out on Frog Bayou, he rented a farm down there, maybe in '63 down on Frog Bayou, and he had some niggers on it, whether Burrell was amongst them, I don't know but maybe he was.
Q That is your impression, but you don't know? A My recollection aint very good.
Q How old are you now? A I am 80 years old.
Q Your recollection about these dates is not very good? A No sir
Q What became of the rest of these slaves that Col. Bryant had and subsequently went with him to Mexico, what became of them?
A Well when I left Mexico they were in Chihuahua, that is all I know about them, I don't know, I didn't come back with Bryant's people.
Q Did you come before him or after he did? A I started before he did.

BY THE COMMISSION:
Q How many Cherokee families were in this party that went to Mexico? A I don't know, lets see, in our crowd there was myself, mx was the oldest one, Lindsey and Buffingtom and Bennett, and Bryant himself.
Q They all had families did they? A Yes sir.
Q This party was then composed of Col. Bryant and his children and their families together with come of their slaves? A Yes sir.

BY MR. HASTINGS:
Q Was Buffington and Bennett son-in-laws of Bryant? A Yes sir.

BY MR. BLUE:
Q Did Col. Bryant have any of the slaves of his mother along with him? A Yes sir.
Q How many were they of them with him when the party went to Mexico? A Three I think.
Q Were those the gorls that you were speaking of ahhile ago? A Well there was one nigger man named Abe, he stuttered very bad, you could hardly understand him at all, and then there was a nigger girl Nealie and then the old woman, I dont recollect whether she was living or not.
Q What became of the other slaves of Col. Bryant that you say you and he didn't take to Mexico with him? A I don't know.
Q Had they runed off? A No sir I think not.
Q Where do you think they left them? A I don't know, some of them,--lets see-- I don't recollect.
Q As a matter of fact Mr. Baugh Col. Bryant took all the slaves he had with him when he started to Mexico? A No sir, he didn't.
Q Where di he leave any of them? A Well he left some of them on Red River I think.
Q Beofre he went down into the Choctaw coutry ? A No sir, before he went to Mexico.
Q Had he sold them? A Yes sir I think he sold them to some fellows there for beef cattle.
Q Not the slaves? A These fellows that bought them I think were Yankees and they thought they would be allowed to keep them I reckon.
Q And you mean to say that he took all the slaves except what he sold at that time? Did he? A Yes sir.

Q Had all these sons- in-law of Col. Bryant that were with him there in that party been in the Confederate army? A. Yes sir.
Q About how many more confederate soldiers were there with him before he started to Mexico besides his sons-in-law and sons?
A Well I can't recollect there was some fellows, a little company I think there some men that started out that was but I don't know where they left us.
Q What was his name? A I think it was Captain Steward.
Q Did he have a company of his own? A Yes sir a small company, they all had left him but 10 or 15.
Q Then there was his company of 10 or 15 and Col. Bryant and his sons-in-law that started to Mexico? A Yes sir.

BY MR. HASTINGS:
Q You don't know how far he went with you? A I don't recollect where he left us.
Q Who all got to Mexico with you or do you know? A There was Bryant's family, and his sons-in-law and there was some other fellows that fell in with us, several that fell in along.
Q So you don't remember the names of the parties? A No sir.

BY MR. BLUE:
Q Did any other fellows that fell in take in slaves to Mexico?
A No sir.

W I T N E S S E X C U S E D.

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R.W.LINDSEY, recalled by Cherokee Nation:

BY MR. HASTINGS:
Q Did you witness that written contract that was made between Col. Bryant and Burrell Daniels that was made at Fort Stockton? A Yes sir.
Q And it was made to cover the expenses and transportation of Burrell Daniels and his family? A Yes sir.
Q And you were a witness to it and signed it as a witness? A Yes sir.
Q Of course you don't know what became of that contract? A No sir.

BY MR. BLUE:
Q Did any of those colored people sign that contract themselves?
A No sir they signed it by mark.
Q Who wrote the names? A Lem Smith and Joe Bennett and myself witnessed it.
Q Who was Bennett? A A son-in-law of Col. Bryant.
Q What was Smith doing with the party? A Smith was an old friend that went with us.
Q He was and exconfederate soldier was he? A Yes sir.

BY MR. HASTINGS:
Q Daniels thoroughly understood the nature of that contract?
A Yes sir.
Q It was explained to him? A Yes sir.

BY MR. BLUE:
Q Who explained it to him? A Col. Bryant.
Q What was the contract? A It was that he was to pay so much money for the transportation of himself and family into Mexico, and that he was to work it out at the contract price, I don't know whatever that was, can't say about that.

BY THE COMMISSION:
Q What was this Fort Stockton, a small village or what was it?
A It was a small kind of a barracks it was, I suppose built to accommodate one or two companies for their protection, it wasn't very old, it was put up there during Buchanan's administration.
Q What was the nearest town to there? A I couldn't say, El Paso was about 200 miles.
Q What kind of a country was there around Fort Stockton? A There was prairie country.

BY MR. HASTINGS:
Q Were there any soldiers there at Fort Stockton? A No sir, and hadn't been for quite a while.

BY MR. BLUE:
Q That was a abandoned fort then? A Yes sir.
Q What was the nearest settlement to that fort at the time you were there? A I said El Paso or Presidio de Norte.
Q About how far was it? A About 200 miles.
Q Was there any houses in between there? A Well it was quite a distance to any of them.
Q This place you spoke of as Presidio de Norte is it near what is El Paso? A No sir, it was way down the river.

J. H. BAUGH RECALLED:

BY MR. BLUE:
Q In answer to a question of Mr. Hastings you said that Burrell Daniels asked this Governor of Chihuahua to pay this judgment, you don't know anything about that do you Mr. Baugh? A All I know about it is that it was my understanding that Governor Terasso paid Col. Bryant for their transportation because Burrell agreed to work the money out and he went to Terrasso's ranch, sheep ranch, and took care of sheep.
Q What I want to get Mr. Baugh you don't know how that happened to be done, you don't know anything about Burrell Daniels requesting it or anything of that kind? A No sir just my understanding.
Q Your understanding as I get it is that the Mexican Governor did pay that and took these people and put them out on the ranch? A No sir, I don't know about them, but I am satisfied that he never did without being asked.

BY MR. HASTINGS:
Q Why are you satisfied? A Well if he ~~xxxxxxxxxxxx~~ hadn't I think I would have found it out.

C H E R O K E E N A T I O N R E S T S.

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This case was here continued until 1:15 P. M. this day.

The following testimony was untroduced on behalf of the applicants.

BURRELL DANIELS, being first duly sworn, testified as follows:

BY MR. BLUM:
Q What is your name? A Burrell Daniels.
Q Are you the same Burrell Daniels that has testified before in this application? A Yes sir.
Q Did you know Col. Bryant? A Yes sir.
Q Where did you first know him that you remember? A When I lived up there on Grand River.
Q Did you know him before the war began? A Yes sir.
Q Did he ever after the war began get control of you? A After the war began, a long time after it commenced I was put with him with his command, me and a whole drove more.
Q Who put you there? A Our owners put us there to keep us out of the way of the Yankees.
Q Was that all done at once or from time to time? A Done when they had us on a retreat down here when we got out here about Skelleyville, Choctaw Nation.
Q Did you have a family then? A Yes sir.
Q Where were they? A My wife belonged to Johnson Thompson, and Lewis and Abraham, and Tom and Sarah I believe they were my oldest ones, and Nancy.
Q What became of your wife and children when you were put with Col. Bryant? A They were with thw white family, with Mr. Bryant family.
Q Do you mean by that that Col. Bryant took charge of you and your family? A He told us all the time we were with him to keep us out of danger.
Q Were your family with him the same as you were? A Yes sir, they stayed with his wife and he taken me out in the army with him, and the rest of them worked around the family.
Q How long were you with him during the war? A I think it was over two years, while the war was going on.
Q Do you remember being with him in Arkansas at any time. A That was when he first put us with him.
Q At what place in Arkansas? A On Frog Bayou below Van Buren.
Q Who had that place in control at that time that you knew of?
A I don't know who was the owner of it, it was turned over to him.
Q Turned over to who? A Mr. Bryant, I didn't know who was the owner but he took charge of it and put in a crop there, but I don't recollect whether he gathered the crop or not.
Q Did you work on a farm there? A Yes sir.
Q Did these other colored men work there too? A Yes sir, I worked there but most of the time I was out with him.
Q What did you do with him when out with him? A I cooked and drove a six mule team.
Q After you left Frog Bayou to what place did he take you? A He carried us over to Fort Smith and camped a day or two and then we were taken down the Arkansas River to Dardenell and before the winter was out he carried us in below Doaksville, and then after a while he carried us up above Doaksville.
Q Where were you in down there about Doaksville? A In the Choctaw Nation on the Red River.
Q At what place in the Choctaw Nation did he keep you at the time he had control of you? A We were down there below Doaksville awhile and moved from there above Doaksville on the Red River and stayed there until the war ended, moved the family up there, the colored family and his family.

Q You were then in the Choctaw Nation were you? A Yes sir.
Q About how many colored people did he have there in that neighborhood at that time? A He must have had about 30 or 40, something along there, little and big.
Q Do you know to whom those colored people had belonged before that time? A Some of them had belonged in the Nation here, and some of them belonged to some persons in Missouri, and some of them belonged to somebody on Grand River, and some of them were his own.
Q Do you know whether any of his mother's slaves were along? A Yes sir, his mother was along with him.
Q Col. Bryant's mother? A Yes sir.
Q Did you know a Mr. Baugh, a son-in-law of Mr. Bryant? A Yes sir.
Q Do you remember any other sons-in-law? A Yes sir, Mr. Lindsey, John Buffington and Joe Bennett.
Q If he started to old Mexico from what place did he start? A From up there above ~~Skuddyville~~ Doaksville, he never started until the war ended and everybody was going home, he come and told us to get ready we were going to march and he marched us over into Texas, and some of the niggers were talking about running off when he said he was going to take us along, and he said he was going to kill the niggers that runed off, and Joe Bennett told him to kill old Burrell and he wouldn't have any trouble, and he called me up and asked me if I was trying to get them to run away and I told him no, and they took us then and carrie d us further over into Texas and they was cutting wheat with cradles and we worked there and after this and started out for Austin, Texas, and when we got to Waco and crossed the river and got on the other side of Waco, and camped, his men went back into town and broke into stores and he had to leave there, and then struck out for Austin and was going to Austin met a runner stating the Northern Troops were in Austin and then struck out across the plains.
Q Where did he go to then? A He travelled I reckon about two weeks, got clean out the settlement and camped, picked out some of his best men, Captain Stewart, Lieut. Thomas, Lieut. Gatterson and sent them back to east Texas and they bring out 1500 head of cattle.
Q About what place was it that they went back after the cattle? A I couldn't tell, it was way out on the plains quite a goods ways from any settlement.
Q What did they do with that 1500 head of cattle? A Carried them along with us and a crowd got after us and we were two nights and days without anything to eat or water.
Q You mean to say he and his party and stock travelled how long? A Marched us all night and all day, told us we had to keep kicking there was a crowd after us.
Q What did you do then? A Travelled until he thought we were out of danger and then camped so as to let the stock graze and after a day or so we started on again.
Q Did you continue to travel? A Yes sir, until we got to, I don't know exactly how long we travelled, we travelled until where the United States used to have troops and there he stopped and rested awhile. He stopped there like this evening and the next morning made us all form a line and told us to come up and sign a paper he had made.
Q Who do you mean by saying all? A All the colored men.
Q Did you form the line? A Yes sir.
Q Then what did he say to you? A Said to sign this paper and the first nigger kicked why he would kill him and let the wolves eat his bones, and when we got to Mexico he was going to put us on a farm and get even with us.

Q What did he do there when he had you in line and told you that?
A Nothing but to sign it.
Q Did you sign your names? A No sir, he signed it and we touched the pen.
Q Was there anybody there with you who saw it? A Yes sir I have a boy there.
Q Do you remember any white men? A Yes sir, his soldiers and all his sons-in-law.
Q How many of his soldiers did he have? A I don't know exactly, had a little squab of them, maybe 35 or 40, maybe more.
Q Were they armed or not? A Yes sir, all had arms.
Q How did you travel across that country? A All of them colored men were driving mule teams.
Q You say his sons-in-law were there when you signed this paper?
A Yes sir.
Q Were they armed or not? A Every one of them were armed, they had the arms on them that were in the war with.
Q Do you remember Lindsey one of the sons-in-law? A Yes sir.
Q Was he there? A Yes sir.
Q Do you remember whether he witnessed the contract or not? A Yes sir they were all there.
Q Now you state to the court whether you went with him to Mexico of your own free will? A I did not, I have got to die before long, and it would not be honorable for me to tell a lie. He made us go.
Q Was that true of all you colored people? A Yes sir.
Q About how many of you men that he made sign that contract that day? A Me, Tom, Joe, Uncle Edwin, I think there was six of us, just the men, no women.
Q At that time about how many colored people did he have with him out there at that fort? A He had a lot of women and children, every one of them had children, about two or three girls.
Q Are you able to state about how many there were of them? A My woman I think had Lewis, and Abraham, and Tom, and Nancy, and I think Sarah, and then there was another woman alongxxxxx that had two children but as he was going through Texas he sold Rainy and her children and the balance he carried on.
Q To whom did Uncle Abe belong? A Mr/ Bryant.
Q To Mr. or Mrs. Bryant? A I guess to Mrs. Bryant.
Q Is that the old lady? A Yes sir.
Q Col. Bryant's mother? A Yes sir but he had them with him all the time.
Q Now those colered people that were with him at this fort all go over into Mexico too? A Yes sir all went over into Mexico when across the Rio Grande travelled on about 160 miles from the Rio Grande camped us there by a Mexican French called Talliope.
Q How far was that from Chihuahua? A One mile.
Q After you got to Mexico what occurred in regard to you colored people over there? A Every day at two a Mexican would come out in fine carriages and carry off the girls and boys and told him they would pay him so much money apiece for them and xxxx asked him if they were citizens. I got up one night about midnight and went up to the city and hid them.
Q Then what occurred? A I suppose he went before the French general and taken oath of allegion and had a writ issued from the French and come down and arrested me and marched me and my family down the street and an American merchant there met them and told them he had runed off with us, that we were free when we left here and that throwed it into court.
Q Told them Col. Bryant had runed off with you? A Yes sir.

Q Then what was done? A While they were trying the case stepped in a little man very fine dressed and he come in and asked Mr. Bryant and talked French, Mexican and English and said he wanted to have a word to say to Mr. Brynat and asked him when he started from the States with these niggers and he told him and he asked him how long you were crossing the plains with these niggers, and he said three months, and asked how come him so long and he said took it slow and asked him what this man was doing here, and he said drive my team, he asked him what kind of a team and he said six mule team, he asked him what did these nigger women do and he said waited on my mistress, and he asked him what these little boys did and he said drove my stock; and he said he runed off with these niggers and he sent a runner to Maximillian that he runed off, and the runner come back and Maximillian said let them be and he turned around to the court and asked him if it be that, and he asked Mr. Bryant how much they owed him, and he said $300.00, and he asked him if any niggers ever owed his master, and Mr. Bryant didn't answer, and he turned around to the French officer and told him to sum it up so much a piece for this man, woman and they summed it up and knocked it down to $113.00.
Q They put that in as a counter bill against Bryant's claim? A Yes sir.
Q That reduced ti to $113.00? A Yes sir, and the Mexican Governer got up and said I have no say so, if I had I would have turned them loose when you first come here and he paid the $113.00 and sent us out on the ranch.
Q Was that the man before whom you were tried? A That was the Mexican Governer, he put us out on the ranch and worked us 5 or 6 years, they give me $6.00 per month, my wife didn't get nothing and my little boy sometimes would get $1.50 per month to herd sheep and while I was working there, I was on the road which runed from Chihuahua to El Paso come a man moving his store from Sante Fee and he asked me what we were doing there, and he said my wife is from New York and I am going in and pay you all out from here, and I will give you a chance to get out of here, and went on in, and a Spanish man ~~xx~~ came to the ranch and said the Mexican Governer said for us to come to the city and asked what he paid for us ans he paid $250.00, and we went to work, she nursed for the madam and I cooked.
Q That is this party that ~~[illegible]~~ paid you out? A Yes sir, he give us $8.00 a month apiece, and we worked this $250.00 out with him.
Q Then what did you do? A When I got through that I worked around my wife was expecting to be confined and after a month until she got straight and I left her there with Mr. Brown, a lumber man and I followed a train of Wagons from the City of Chihuahua to the Rio Grande and the Government had wheat shipped out of Mexico.
Q What Government? A The United States Government, grinding it for the forts up and down the Rio Grande.
Q You say the United States Government had whaet shipped out of Mexico? A Yes sir they shipped wheat and had a mill right on the bank of the river.
Q Grinding this wheat for the use of the United States soldiers? A Yes sir.
Q When you got through there, what did you do? A I went to work there and I cooked for the boys and worked in the mill of nights for about ten months and kept money going back to my family to keep them up and finally come a Mexican train from San Antonio, Texas, went into Chihuahua and he promised to bring my family to me for $15.00, and he brung them to me for $15.00, and they stayed there

with me until another train came along, an American one and an Mexican driver by the name of Mr. Grover, and they went on to the City of Chihuahua and when they returned back I told them that I wanted to go to San Antonio with them if I could. I told them I had a big family but didn't have enough money to pay them and he asked me if I could shoe mules and I told him yes, and we crossed on the train, and every time we stopped and rested I would shoe 5 or 6 mules, and when we got to the City of San Antonio, I went to him and asked him what he would charge me and he looked at me and laughed and said, you have done better to me than the blacksmith ever done, and he said the mules were better shod than they ever was, and he gave me $10.00 and told me to go and rent a house.

Q That was at San Antonio? A Yes sir and after I left the Rio Grande and got to Fort Davis the United States give me rations to Fort Steckton and there they give me rations to Fort Clarke, and ~~the~~ there they give me rations to San Anteinio.

Q That was when you were travelling with the train? A Yes sir.

Q What did you get working there at the mill for the government?

A I got $25.00 a month and sent a big part of it back.

Q When you reached San Antonio how much money did you have? A I don't guess I had any.

Q You got $10.00 from that train master? A Yes sir.

Q Outside of that did you have any oth er money of any consequence? A No sir, I don't think I did.

Q What did you do there at San Antonio? A I went to work there I reckon about a year and not being used to the climate and water I took down and was down to near a year and the City Doctor had given me up to die, and I was very sick and the doctor came around from New Orleans and took hold of me and stayed with me until I got up.

Q Now during the time you were down sick did your family do anything? A My wife washed and the boys worked around the hotel.

Q Did they save up any money while you were sick? A When I got up I borrowed the money and paid the doctor bill from a policeman named Sol White loned me $25.00 to pay my doctor bill and as soon as I got able to I went back 25 miles from San Antonio on a ranch and went to work, me and the boys.

Q How did you work there? A Put in grain and cotton on the halfs and the first year I come out a little in debt.

Q Now you tell what this farm contract was that you worked under?

A The rent was half renters and I don't care how much you made everything you ate came through their hands and you had to sell what you raised to them and whenbyou got through they might say you were ahead or you were in debt.

Q When you say hal f rents that means half you raised and when you went to the stores you bought the stuff from them? A Yes sir.

Q Then at the end of the crop season what was the consequence,how did you come out of it? A At the end of the crop season he said I owed him $300.00 and took the crop for it.

Q What did he say about your coming away? A He would not let us come away, we were in debt a little and said we had to stay there and put in another crop and we did stay and we put in another crop and took up and I left anyhow.

Q Where did you go then? ~~R~~ A Back to San Antonio.

Q Then what did you do? A Worked around there awhile until I got a little money and there happened to be an excursion starting out and the old lady said she wanted to come back and we taken that excursion train and stayed on it until we got to Wimer, Texas, and they put us off there.

Q Now you said you leaded up and went down to San Antonio, did you have a team there? A No sir, I never had any team.
Q What did you have there? A I hired a man to haul us away.
Q Did you have any money at that time? A No sir didn't make any, didn't get any out of the crop.
Q The owner still claimed you owed him? A Yes sir and after I got to San Antoinio he came in and told me if I would come back and go to work he would give me $30.00.
Q Now then when you get up to Wimer what did you do then? A I went up to place near Holdman Valley and raised cotton.
Q Was that in Texas? A Yes sir Page County, near Wimer I put in a crop there and gave half I made and I come out even and I was going to quit and go to another man named Mr. Wimer and the man that I rented from came out and said here don't you leave here, my brother had made a kick about this half rent, claimed that we were starving the poor people and said out of every four bales you give me one and take three, and give me one and you take two thirds of the grain, and I stayed there and went through that year and I believe me and my son made 15 bails turned in my rent and paid up all our debts and everything and we had money enough to come to Muskogee, and when we went to start, and the l ast day settling up my wife was with me and they come down there and to ld us not to leave, and said you have just got to stay here another year and I will fix it so you can get a little piece of land up on the prairie, and my wife told him no she couldn't do it, and he said you had better not do it for I read in the newspapers that those Cherokees were killing niggers and floating down the river, you had better not go, but we didn't stay.
Q Then what did you do after you come to Muskogee? A I went down here and found mu mother, got here in the fall and the Cherokee council just had adjourned and I worked for a lawyer called Bird Harris, and I went to work for him and fixed fence.
Q Was that in the Cherokee Nation? A Yes sir, out here just the other side of that church and I worked for him and made a crop and moved down to Mrs. Nivens.
Q Was Mrs. Nivens place in the Cherokee Nation? A Yes sir.
Q Then what did you do? A The next fall come after the time we got here I went to the Cherokee council, Gus Ivy and George Butler got up a bill and carried it in and had it signed up and all the half breeds signed it up but the full bloods and they got up and made speeches said that we were carried to Mexico and kept there so many years and said we had a right but they every one signed it up and George Butler got a room where there was nothing but full bloods and George told them he wanted them to sign it up, that this ~~old~~ old darkey had been to Mexico a long timeand they studied so long that he told me to go in he wasn't going to fool with them, we can make up citizens without them damn Indians and Mrs. Bushyhead said you have got plenty of time and told them to go on home and they would see if I got mu citizenship and when Wallace enrollemnt come on Mistress sent for me old Mrs. Daniels, at Vinita, and I was put on the roll up there.
Q On the Wallace Roll? A Yes sir, she sent two colored men up as witnesses for me, and when Fern-Clifton come they sent me a letter to meet the enrollment in Tahlequah, I don't know it was written to me by some of them Cherokees, I went and Mrs. Bushyhead got up and witnessed for me and had them take my name and send it to Washington to the Secretary to act on it. Mr Hastings was there and seen that.

Q Was any of your family besides that? A Every one but Tom and Lewis, didn't get their names right.
Q You mean by that they made a mistake in putting those two on?
A Must have they didn't get them on but got all the balance.
Q Who was the Chief of the Cherokees when you came back that you know? A Mr. Bushyhead.
Q During the time that you were with Col. Bryant on the way to Mexico and after you got there until you got back to the Cherokee Nation where did you intend to go to when you got so you could go?
Mr. Hastings: I object to that as not being a legal proposition

A I always intended to come to the Cherokee until I got here.
Q During all that time where did you consider your home? A Cherokee Nation.
Q Did you ever at any time have any home anywhere else? A Never did.
Q Why didn't you come back to the Cherokee Nation sooner? A I wasn't able to ~~xxxx~~ I had a house full of little children and sometimes I would get to working, worked out and couldn't save enough to come up and just as soon as this railroad got to San Antonio we taken the train then and kept a travelling until we got here by working along.
Q Now was there any time during all that time in your power to get back here any sooner than you did? A It was out of my power I had nothing to come back here with.
Q As soon as you got the money you came back? A Yes sir.
Q Now when you got back into the Cherokee Nation what did you do in the way of fixing a home for yourself and family? A I just worked around in the Creek Nation and in the Cherokee Nation just where I could get good wages.
Q Have you ever had a home anywhere else except in the Cherokee country? A I built a little place down here close to the line in the Creek Nation, went back over into Canadian awhile and lived.
Q How long were you at that place in the Creek Nation? A I don't know, maybe two or three years, sold it for some stock and moved Back in the Cherokee Nation.
Q Do you remember what year it was that you had a place over there? A No sir I couldn't tell you exactly I can't read, I couldn't tell you ~~xxxxxxx~~ what year it was; I have been living on Caney River about 9 or 10 years up in the Cherokee Nation.
Q Coming back to this fort to which Col. Bryant took you, do you remember the name of that fort? A Fort Stockton.
Q At the time he compelled you colored men to sign that contract about how far was it from that place to any settlement that you know of? A There was no settlement.
Q According to your best judgment about how many miles were you to any settlement? A I don't know exactly how far it was from Stockton to Davis and after we got to Davis it was 90 miles to the Rio Grande.
Q On the day you were set free did you have any teams or horses any way to get away from there to Waco? A No sir never had any way.
Q Did you have anything of your own to eat if you had started back from there? A No sir nothing at all.
Q During that time did you ever say to him or to any of his people that you wanted to go to Mexico or that you were willing to go to Mexico? A No sir never asked none of us. After he moved from the Choctaw Nation to Texas he called us up and said he heard some of us were talking about running away and he said he would kill us if we did, had a great mind to kill us anyway.

Q At the time you say he told you you had to sign this contract, just tell me what he said at that time? A He said he heard some nigger murmuring back there in the crowd and if he does it again I will kill you and let the wolves eat you right here.
Q What did he sau about carrying you into Mexico? A He said I am going to carry you over and put you on a farm until everything gets peaceable here and I will fetch you back to the nation.
Q Do you know anything about where that 1500 head of cattle come from of your own knowledge. A No sir he sent men back and got them.
Q Do you know who brought them back to his camp? A I know the officers, Captain Stewart, Lieut. Gatterson, Lieut. Thomas, Lem Smith and Joe Bennett, Bennett was a son-in-law.
Q Who was this man Smith? A A soldier of Bryant's.
Q Had lived with him before the war? A Yes sir.
Q What became of that 1500 head of cattle? A Took them to Mexico and sold them.
Q Kill any of them on the way to eat? A Yes sir.
Q Did he have any cattle of his own when he started from Texas?
A Yes sir had a few, bunch of cows, in driving through the settlements of Texas those cows, we had a little boy to drive them and he would tell the little boy to get around there and mix them and carry them on.
Q As you drove along? A Yes sir make a little colored boy drive them in and take them along.
Q Do you know anything about what provisions he had with him when he started from Texas? A Yes sir I was driving a six mule team. It was loaded with flour, he killed a beef now and then for his own family.
Q In crossing over the plains there for whom did you work from the time you left Texas to Mexico for yourself or some one else?
Q Drove a team for the Colonel.
Q For whom did your wife work? A Cooked for her mistress.
Q Did he say anything at Fort Stockton or any place about freeing you? A No sir said there was no freedom for niggers, and that the Yankees were going to take them off and put them on the cotton plantation.
Q When did you first learn about the Treaty of 1866? A When I come to the Na tion here.
Q From whom did you learn it? A Mrs. Nivens and Mr. Harris.
Q Had you at any time before that known anything about the Treaty of 1866? A No sir, never did, where I lived I was in Mexico 6 or 7 years, never heard a thing of it.
Q Did you hear anything about it while in San Antoinio? A No sir not until I got back here.

BY MR. HASTINGS:
Q Burrell what year is this? A I can't read, I can't tell you what year it is .
Q You testified before that you came back here during Bushyhead's second administration, didn't you? A I testified that I came back here a year--the council adjourned and the next year I went and he was Chief but I don't know whether he was Chief when I got here the year before that.
Q Didn't you testify when you were on the stand before that it was during Bushyhead's second administration? A I couldn't tell.
Q Did you testify to it? A I don't recollect.
Q George Butler knew when you got back didn't he? A I told him I got back the fall before we got to Tahlequah.

Q Now he testified in your behalf and it is in evidence that you got back in 1884, do you think that is about cor rect? A I don't know sir.
Q He knew when you got back, didn't hem you told him? A Yes sir he knew when I got back, but I don't know whether he stated it to ~~th~~ counsil or not.
Q But he has testified in your case since this case has been pending before the Commission and he testified that you come back in 1884, do you think that is correct? A I don't know.
Q He testifeid as your witness didn't he, you brought him before the commission? A He went down there before the commissioner.
Q Well before this Dawes Commission he testified for you in this case hasn't he? A I said he did, I didn't see him.
Q And he testified as your witness then didn't he? A Yes sir.
Q Now if he testified that you came back in 1884 you aren't prepared to dispute that you stand by your own witness? A Yes sir.
Q That is the first time you had ever been back to the Territory after the war? A Yes sir, but I don't know what time it was.
Q Didn't Col. Bryant give you your discharge out at Fort Stockton?
A No sir.
Q Didn't give you any discharge? A No sir didn't give me any discharge, never until he got that money.
Q And that was over in Mexico? A Yes sir.
Q Was that in 1865? A I don't know when it was.
Q But he did give you a discharge there? A No sir but he sold me to the Mexican Governor.
Q I think you said he got it into court and the Mexican Governor said you owed him $113.00? A The Mexican Governor paid $113.00 to him and put me on the ranch.
Q That was in the Mexican court there? A No sir it was the French Court, the French General took care for us to be turned loose.
Q He testified that you owed him $113.00 for transportation? A Yes sir.
Q That was for you and your wife and your children? A They claimed $500.00 but cut it down.
Q That is what they got wasn't it? A Yes sir.
Q After that Mr. Brynat never had anything more to do with you?
A No sir.
Q How long did you work for that fellow Terasso? A I worked 5 or 6 years.
Q You worked for $6.00 a month did you? A Yes sir.
Q 6X12 would be 72, wouldn't it? A I don't know.
Q It wouldn't take you two years at that rate to work you out?
A No sir you couldn't work it out, every year you worked you owed more.
Q Now you testified that you stayed in Mexico 5 or 6 years? A Yes sir, and I swear to it, there was three children born there.
Q You stayed in Mexico all told 5 or 6 years, is that correct?
A Yes sir.
Q You went there the year the war closed? A Yes sir.
Q Then that made you come to the United States ither in 1870 or '71? A No sir it didn't, the man that paid me out, I worked for him at $8.00 for my wife and myself until I paid $250.00.
Q You said you stayed in Mexico for 5 or 6 years? A I stayed on a Mexican ranch 5 or 6 years.
Q Then where did you come to from the Mexican ranch? A I went out and worked for the man that paid me out and carried me into the City.

Q How long did you stay there? A I must have stayed there 15 months.
Q Then where di you go to? A Around town and worked awhile until I got ready to come to the Rio Grande.
Q Then where di you go? A I come to the Rio Grande.
Q Then you stayed as I understand, 5 or 6 years with the Governor of Chihuahua, then about 15 months with different people for whom you worked, then about a month or two befire, you went to the Rio Grande, that made all told about 18 months? A I left my family and come to the Rio Grande and worked there about 18 months and sent money back to my people.
Q How did you send it back? A I went over across the river to the merchant and he sent it back to them.
Q And from the 5 or 6 years that you stayed with the Governor of Chihuahua, then the other time, 15 months, and then some two or three months added to it, would make it in all 7 1/2 year all told that you stayed in Mexico, wasn't it? A I stayed in Mexico I expect something near 8 years, the first child growed to be that high (indicating) right on the Mexican ranch, and the next one got up to be a good sizelad, and the next boy, he is here now, he was about 6 months old before I left Mexico, the last one.
Q Which one is that? A Burrell.
Q Then how old is he? A I don't know exactly.
Q He is given in to be here in 1901, Burrell's age was given in as 30 years of age, is that about correct? A We just made a guess at the ages.
Q Was that your best judgment under oath at that time? A Yes sir
Q Now then this boy was about 6 months old when you left Mexico?
A I think so.
Q Then if he was born in 1871 you left Mexico about 1872, the latter part of '71 or '72? A I can't say, I don't know, I can't read.
Q You know his age was about 6 months old when you left there?
A Yes sir and when we got here, the first roll was the Wallace Roll and we just guessed at the age, I don't know my own age unless I go to Tahlequah.
Q This card here, R-390, gives your boy, Burrell H. Daniels, age as being 30, and this is dated December 17, 1901, do you think that is as near as you know correct? A I don't know, it might be just about it.
Q Have you any children born since Burrell H. was born? A Yes sir, Lizzie and Mack were born.
Q Where was Lizzie born? A She was born at Hill's ranch.
Q Where is that? A The last place I stayed before I come here.
Q Where was Mack born? A In San Antonio.
Q Is he alive? A Yes sir he is here in town?
Q Mack's age was given in 1901 as found upon R Card 392, as being 25 years old; do you think that is about correct then? A Mack is older than Lizzie.
Q I have not mentioned Lizzie's age, I said ~~xxx~~ Mack was given as 25 years old in 1901, is that correct? A I don't know.
Q But you know you were there in San Antonio when Mack was born?
A Mack was born in San Antonio and Lizzie was born on Mr. Johnsons ranch before I left there.
Q Is Lizzie a year older than Mack? A No sir.
Q Which is the older Lizzie or Mack? A Mack, he was born in San Antonio before we ever went ~~x~~ to Johnson's ranch.
Q How many children did you have born in the state of Texas?
A Three I guess.

Q What are their names? A Lizzie and Mack and Robert.
Q About how old was Robert when you left there to come to the Cherokee Nation? A He was just a little kid, I don't know just exactly, How old, just a little child.
Q About how old was he? A I couldn't tell you to save my life.
Q Was he a baby two years old or three? A Just getting so he could talk, just learning to talk.
Q Do you think he was a year old or two years old. A He x was a year old.
Q Do you know whether he was two years old? A I don't know whether he was two years old or not.
Q According to this card Robert was born in 1881 then that would make you come here about 1883, is that about corredt? A I don't know unless I could read, I couldn't tell.
Q Now then according to your statement you staged in Mexico between 7 and 8 years so you came to Texas in 1872 or '73, now then according to your own statements you lived in Texas from 10 mk to 12 years? A No sir, I don't know.
Q Now if you come there in 1872 which is the best we can get at it from your own statements, where did you live the first year? A I lived the first year in San Antonio.
Q How what did you do? A Worked around on the streets.
Q What did you get there? A I got enough to keep my family living, we paid house rent, yes sir.
Q How old was your oldest boy then? A I hired them out around the hotels.
Q How old was your oldest one? A I don't know exactly how old he was.
Q How old was your oldest boy when the war came up? A Big enough to drive cattle.
Q Now then 12 years after that they were up nearly grown then wer they? A I hired them out as little boys and got the money.
Q How long did you live at San Antonio? A Lived there a year and went from there to Mr. Johnson.
Q Where did he live from there? A About 25 miles.
Q What did you do out there? A Farm.
Q Did you farm on the shares? A On halfers.
Q How long did you farm for Mr. Johnson? A Two years.
Q Where di you go from there? A Back to San Antonio.
Q What did you do in San Antonio then? A I worked around there until I got money to leave.
Q How long did you stay there? A Around there two or three mxx months.
Q Where did you go from San Antonio then? A The excursion left there and I came to Winer, Texas.
Q How long did you stay in Winer, Texas? A Two years.
Q What did you do there? A I farmed.
Q Then where di you go to? A I came to the nation.
Q That don't tally with the number of years? A No wonder I stayed in Mexico so long I couldn't tell how long I stayed in Mexico.
Mr. Blue: I object to this, witness states that he does not know, and it is shown here and he has answered that I expect 20 times that he did not know, I object to this method of examining the witness, and I think it is not necessary to ask an old man 20 or 30 times, it does not seem to me to be lawyer like.
Q When was the first child you had born in Mexico? A Almira was the first one.
Q She was born in Mexico was she? A Yes sir.

Q What is her name now? A Elmira Daniels I guess.
Q Is she living? A No sir she is dead.
Q What is the next one? A Ruthie.
Q Did he die there? A Yes sir she died there.
Q What was your next child? Burrell H. was born in the City of Chihuahua.
Q You come to Texas about 6 months after Burrell H. was born?
A I don't know.
Q Aint that what you testified to awhile ago? A I don't ~~xxxxxx~~ recollect how old was he.
Q What did you tell me awhile ago? A I told you he was born in Chihuahua.
Q I asked you how old he was when ~~xxxxxx~~ you went to Texas you said he was born in Mexico, now how old was he when you left Mexico and went over into Texas to San Antonio. Didn't you testify awhile ago that when you went over into Texas he was 6 months old? A He may have been and may be been older.
Q Is that your best judgment? A Yes sir.
Q When was your first child born after you got over into Texas?

Mr Blue: I object to that for the reason that that must be about 6 or 8 times since that question was asked.

Q When was the first child born in Texas after you come from Mexico?
Mr. Blue: Th same objection as above.
A Mack was the first child born after I left Mexico.
Q He was born over there in Texas was he? A Yes sir.
Q The attorneys over here---you never did get act admitting you over here did you? A They made a bill and all signed it but the full bloods.
Q You never got any copy of the bill to file here did you? A They said they were going to give me a record.
Q Who said that? A All of them in council.
Q Who did you see there? A All of the men in the Senate where I went and made application.
Q Did they give a copy of the bill admitting you? A No sir they didn't admit me but said they were going to do it.
Q They never voted to admit you did they? A I don't know anything about the voting, they sent me a letter to come over there and put me on the Clifton Roll and you were there and saw that done.
Q Butler testified that you came back here in 1834? A I don't know, I was out doors when he made the talk.
Q You know he never testified to anything except your return?
A I don't know about that.
Q Was this man Lindsey present when you singed that contract?
A He was right there.
Q He heard Col. Bryant threaten to kill you down there did he?
A Yes sir.
Q Did he sign the paper as a witness? A I don't know what he done Bryant taken us and carried the paper in to the tent, I don't know what he did/
Q Did they have a paper over there in the Court in Mexico When the matter was tried. Did they have this paper over there in Mexico when Mr. Bryant ~~had you up there? A Yes sir, had sold 7 niggers.~~
Q I mean this contract that you signed with him, did he have that over there? A Must have had it, I don't know whether he had it in court or not, he had it.
Q How many cattle do you say they drove across Texas into the Mexican side? A They claimed there was 1500.
Q Those men that went along with Col. Brynat were not soldiers but

it was customary for everybody to be armed? A They were Mr. Bryant's soldiers, never quit him.
Q Did they march along all the time as a company of soldiers? A Yes sir.
Q Then you don't know what year you left Mexico do you? A No sir.
Q You don't know what year this is? A No sir, I stayed there a long time, have to sum it up, I stayed I guess 10 years down there.

BY MR. BLUE:
Q Do you read and write? A No sir.
Q Can you sign your own name? A No sir.
Q Have you ever been able to read or write or sign you own name? A No sir.
Q Now whne this Mexican Governor took you and paid Col. Bryant $113.00 from that time on did he make any statement to you of how much you had earned or how much his account was? A No sir only told me to come to the ranch and work he would give me $6.00 per month.
Q Did you take your family with you? A Yes sir.
Q Did you ever work out there for him? A Yes sir.
Q Did he ever make any statement to you about how much principal and interest amount to and how much he owed you? A Never did.
Q And when this Jew come along he got $250.00 from him? A Yes sir.
Q Do you know how long you had been with the Governor when the Jew came along? A Something near 6 years.
Q Then you worked you think how long for the Jew merchant? A I think about 15 months until I worked out $250.00 at $16.00 a month.
Q That was for yourself and wife? A Yes sir, got $8.00 a piece.
Q And you think that was about 15 months? A Yes sir.
Q Then you stayed there 3 months more to get something to go away on that would make 18 months? A Yes sir.
Q Then you went over the line and worked there 18 months? A Yes sir I went on a sheep ranch and worked there about a year.
Q Who was that for? A The Mexican Governor.
Q That was in addition to the time before stated you worked for him? A Yes sir he took me off of the ranch and put me on a sheep ranch one year.
Q That would be 6 or 7 years you worked for him? A I would not be surprized if it wasn't 3 or 9 years.
Q Then you don't know how long you were over there? A I don't know, after staying there so long, I had a little girl by the name of Elmira that died there, she was 6 I think when she died.
Q You spoke about having gone over to Tahlequah to council, Mr. Hastings was asking you about a man that testified for you over there, did you meet him at Tahlequah? A No sir I met him at Gibson, he went on and on and said for me to come on and tell them what I knew about it.
Q You came back first to Muskogee then went over in the Cherokee Nation? A Yes sir.
Q When did you see Butler after that time? A I come here and went down where I found mother and stayed one year until next fall, and then I saw Mr. Butler.
Q You had been here then one year or a little more when you went to Tahlequah? A Yes sir.
Q And when you got there you found Mr. Bushyhead was Chief? A Yes sir.
Q Did you tell Butler when you come back? A Yes sir.

Q Then you mean that it had been about a year from the time you landed here or a little more when you saw Butler over there? A Yes sir.

BY THE COMMISSION:
Q When you started to Mexico with Col Bryant at the close of the war how many children did you have? A Lets see, I had Lewis, Abraham, Tom, Nancy, Burrell.
Q You had those children before you started to Mexico? A Yes sir before I started from there back.
Q Now I am talking about the children you had before you went there? A I had Lewis, Abraham, Tom, Nancy and Andy.
Q You had those children before you went to Mexico? A Yes sir.
Q You say you started down to Mexico with Col. Bryant at the close of the war? A Yes sir.
Q How many children did you have when you started down there?
A I had Lewis, Abraham, Tom, Nancy, and Andy.
Q How many of those children are living now? A Lewis is dead and Nancy, and Abe, I don't know where he is.
Q Did you leave Abe in Mexico? A Left him in San Antonio.
Q What children were born in Mexico? A Burrell was born there. the others died and were buried there.
Q Gove me their names? A Mimira, Ruthie, Burrell was the next .
Q After you came back to Texas how many children were born to you?
A Mack and Lizzie and Robert. Mack was twins, his mate died after he was born, then next Lizzie was born and then Robert after her. That was all born in Texas.
Q You haven't had a child born to you in the Cherokee Nation since the close of the war have you? A No sir.
Q Is your wife Miranda living? A No sir she is dead/
Q When did she die? A I August, 1903, I think.
Q Is Robert living? A Yes sir.
Q What about Thomas? A He is here.
Q And Mary, his daughter? A She is here.
Q And Louella, his daughter? A She is here.
Q What about the grand-daughter, is she living? A Yes sir.
Q Is your son Andy Daniels living? A Yes sir.
Q Where? A About a mile above me on Caney River.
Q Is his children all living? A Yes sir.
Q Do you know whether all of these are living or not, Millie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth? A Yes sir, they are all living.
Q Is Lizzie Shafer living, your daughter? A Yes sir.
Q Has she a child called Arlena? A Yes sir.
Q Is that child living? A Yes sir she has got three more now.
Q What about Mack, is he living? A Yes sir.
Q Has he a child called Mady? A Yes sir.
Q Have you a child called Lizzie Haynes? A Yes sir, that is my daughter.
Q Has she two sons, Burrell and Amos living? A Yes sir.
Q What about Mary Hill, she your child? A Yes sir.
Q Has she got two children, Alice and Adam? A Yes sir they are living.
Q What about Burrell H., is he living? A Yes sir.
Q Are all these children and grand-children of yours living in the Cherokee Nation for the last 4 or 5 years? A Yes sir, it has been longer than that, for the last 10 or 15 years.
Q All of them? A Yes sir, all that is living, all the oldest ones.
Q They have always made their home in the Cherokee Nation during the last 10 or 15 years? A Yes sir.

BY MR. HASTINGS:
Q What is Thomas Daniels wife name A Her name is Priscilla.
Q Where did he marry her? A When we come to Fake County,Texas.
Q What is his oldest child's name? A I have forgetten the oldest child's name, it is dead.
Q How long, was it named Mary? A Mary is here.
Q Did he have one elder than Mary? A Yes sir, X I think so.
Q Where did that child die? A I think he said she had one child died, I left him at Fake County.
Q Where was Mary born? A She was born in Fake County.
Q Where was Louella born? A In Fake County, all born in Fake County.
Q Then Tom Daniels and his family came up here 5 or 6 years ago?
A Tom came before they did and stayed a year or so and then went back and got them.
Q Then he didn't bring his family until 5 or 6 years ago? A No sir he didn't.
Q Whose daughter is Julia? A Mary's daughter.
Q Where was she born? A Up on Caney River.
Q Is her mother a State woman? A I think so.
Q They don't claim through their mother, Thomas's wife? A No sir she died before he left Texas.
Q When did Tom first come here himself? A I couldn't exactly tell you, Tom was here before the Creek payment.
Q Before that payment of 1897, the Kerns-Clifton payment? A Yes sir before that.
Q Had his family come then? A No sir left his family.
Q About how long after that payment which was in 1897 before this family come? A He come here 5 or 6 months before the payment.
Q You said he come but not his family?, how long after that before his family come? A It was after the payment sometime.
Q Well how many years afterwards? A I don't know how many years after.
Q Well your best judgment? A I Couldn't tell you to save my life exactly how many years after, it was.
Q Has he been here two years I mean with his family? A Yes sir he was here before the payment.
Q How many years had he been here with his family? A He went back after the payment and got his family.
Q How many years after the payment before he brought his family here? A I don't know, it may have been 3 or 4 months, or 5 or 6 months.
Q Where did Andrew Daniels marry? A He married a year I left Texas.
Q Who did he marry, some colored girl in Texas? A Yes sir.
Q He don't claim for these children there with him? A I don't know
Q Does Andrew's wife claim citizenship here by virtue of her being a slave of a Cherokee citizen? A She don't claim to be a citizen only by marriage.
Q Where was their oldest son Willie born? A After they got here.
Q Did he and his wife come here when you and your folks come?
A Come with me.

BY THE COMMISSION:
Q Do you know the husband of Lizzie Haynes and the father of the children, he is a state man is he? A Yes sir.
Q Do you know Mary Hill's husband? A Yes sir.
Q Is he a state man? A Yes sir.

Q He doesn't claim any rights as a Cherokee freedman? A No sir.
Q Do you know the father of Julia Daniels? A A state man named Dickson.
Q Do you know Mack Daniels wife? A Yes sir, she is a State woman.
Q Do you know the husband of Lizzie Shafer? is he a state man?
A Yes sir, but his mother claimed he has a right, she claims he was put on the roll, I don't know.
Q Is Shafer here to-day? A No sir.
Q This Dora Daniels, the wife of Andy Daniels, and the mother of the children on card 395 is a Texas State woman? A Yes sir.

W I T N E S S E X C U S E D.

TOM DANIELS, being duly sworn, testified as follows:

BY MR: BLUE:
Q What is your name? A Tom Daniels.
Q What relation are you to Burrell Daniels, who has just testified? A He is my father.
Q Do you know your age Tom? A No sir, I don't.
Q Do you know about how old you are? A I have an idea I am somewhere in the neighborhood of 50.
Q Do you know Col. Bryant? A Yes sir, I did.
Q If you recollect, where did you first see him? A When I first opened my eyes to look at the gentlemen is when I was on the way to old Mexico. He used to make me sit and fan the flies off of him while he was asleep.
Q You remember him then do you? A Yes sir you bet I do.
Q Do you remember anything about where you started to go to old Mexico? A We started from some plantation in the Cherokee Nation, I don't remember exactly where it was.
Q Do you remember anything about being in the Choctaw Nation about that time? A No sir I don't recollect about the Choctaw Nation.
Q If you remember, about where were you on your way to old Mexico when you first remember Col. Bryant, if you can fix any particular place, do so? A I remember of being on the road but I can't place just exactly where it was, we ~~[illegible]~~ were camped you know.
Q Do you remember how you travelled on that trip to old Mexico?
Q Yes sir we travelled, it was in a train of wagons.
Q How did you yourself travel? A I was in a wagon.
Q Were there any horsemen that accompanied the party? A I think there was a committee along, they stayed to keep the Indians off of them they said going across the plains to Mexico.
Q Do you remember much about that? A No sir I don't remember so much about it.
Q Do you remember any place in that route by the name of Fort Stockton? A Yes sir, I remember Fort Stockton, Fort Clarke, and Fort Davis.
Q Were those palces on the route to Mexico that you travelled?
A Yes sir.
Q Were you large enough at that time to ride a horse? A I don't exactly remember whether I was or not, I might have been.
Q Do you remember being in old Mexico? A Yes sir I do.
Q At what place in old Mexico do you first remember? A Chihuahua.
Q Do you remember any other place that you lived in Mexico? A Yes sir, we were at out on a sheep ranch for several years, I was a great big boy when we left there.

Q About what size boy were you when you left the sheep ranch? A I was a great big boy, about a half grown boy.
Q Do you remember of returning to ~~Mexico~~ Texas from old Mexico? A Yes sir I do.
Q To what place did you return in Texas when you left old Mexico?
A The first place was San Antonio, Texas.
Q About what size boy were you when you got there? A I ought to have been a good size child.
Q Do you remember about that? A Yes sir.
Q What did you do after you came to San Antonio? A I worked around my father would keep me hired out first one place then another, working for a salary until he left there, didn't stay there very long.
Q Do you remember whether or not you left there with him? A Yes sir I did.
Q To what place did you go with him? A Out west of San Antonio to some man's ranch they called Johnson.
Q How long did you remain there? A About two or three years, somewhere along there.
Q Did you live there with him? A Yes sir, I did.
Q To what place did you go then? A We went back to San Antonio after that.
Q How long did you remain at San Antonio after that? A I ~~xxxxx~~ stay there no time, I went south.
Q To what place? A I was down there way below Wimer, down to a place they called,-- I forget now the name of the place.
Q Where did you leave the old gentlemen when you separated from him? A In San Antonio.
Q After you left him there how long was it before you saw him again? A I don't know but I was working for a man named Hill when he moved up there.
Q Where did you next see your father after you separated from him at San Antonio? A I come to see him once before he left there to come to the nation.
Q Do you remember where you saw him at the last time before he came to the Nation? A Yes sir.
Q Where was he? A On the Hill farm.
Q Where was that? A In Texas.
Q Near what town? A Wimer, Texas.
Q Did you remain there with him? A No sir I didn't I went off.
Q After you saw him at that ranch there in the neighborhood of Wimer, Texas, where did you next see him? A I saw him here.
Q At what place? A Up here on Caney River.
Q In what Nation? A ~~xxxxxx~~ Cooweescoowee District, Cherokee Nation.
Q When was that? A That has been several years ago.
Q Had you moved up here then? A Yes sir I had moved, I didn't know where they were until--
Q Where were you living at that time? A Way below Wimer on a placed they called Navidad.
~~Q Did you bring your family up here with you when you came that~~ time? A I brought two children along.
Q Did you leave them here or not? A They are here.
Q With whom did you leave them here in the Cherokee Nation? A I left them with my father.
Q What did you do after you came up here and left those children?
A I helped the old man farm and worked around first one place then another.
Q Did you go back to Wimer again? A Yes sir, after I brought my children up here see.
Q Were you up here before you brought any children up here, yourself? A Yes sir.

Q How long before you brought these two children up? A I was up here a month or so, I guess it was longer than that.
Q Were you up here at the time of any payment? A Yes sir, I was.
Q What payment was that? A It was the payment that was paid off up here at Lightening Creek.
Q Were you here before that time? A Yes sir.
Q How long? A Three or four months I expect.
Q How soon after that payment was it you turned back to the neighborhood of Weimer, Texas? A I went right away as quick as I could get a little money together and went down there to get my children, when I first come up here I came to see where my people were, I was considered lost from them.
Q Having found them here, you say you returned to the neighborhood of Weimer, Texas, then what did you do? A I didn't do anything but go right down there and get those children and come right back.
Q Were those all the children you had? A Yes sir.
Q Was your wife living at that time? A. No sir she wasdead
Q Was she a State woman or freedman? A State woman.
Q Have you since that time married again? A No sir.
Q What are your children's names? A One is named Louella, and one named Mary.
Q About what time did you come back to the Cherokee Nation with these children? A Kinder long up in the year I guess.
Q You mean in about the same tim in the year you were up to see your father at the time of the payment? A Yes sir.
Q Where have you resided since you brought those children up to the Cherokee Nation? A At my father's and down here at a fellow---
Q Have you resided in the Cherokee Nation since you brought those children up here? A Yes sir.

Commission: The Lightening Creek Payment referred to by the witness is the Kern-Clifton pay roll.

Q What is your recollection about the date of that payment, do you remember what year it was in? A I think it was between 7 and 8 years ago.
Q During the time you resided in Texas after your return to Mexico did you become a citizen of Texas? A In what way?.
Q Did you keep a home in Texas to which you intended to reside?
A No sir, it was my father's talk after he got away from Mexico he would lay down and talk about going to come home and get up a talking about wanting to come home.
Q Where did you intend to return to? A I calimed my home right where I heard my parents talking about, and that was in the Cherokee Nation.
Q What purpose did you have in coming up here the time you first came? A I come to see where my people were, they left me and I didn't have any trace of any of them to know where they were, and I just got on the track of them travelling, there was a boy stayed down here at Checotah named William Johnson he got acquainted with my father, when he stayed down here, and he was the one that told me where my people were you know, and if he hadn't told me I don't know as I would have known yet where they were.
Q Were you ever at any time naturalized and made a citizen of Texas or any other state? A No sir.
Q During the time in Mexico, did you become a citizen over there?
A No sir.
Q About how old were you when you left Mexico? A I guess I was about 12 or 13 years old, maybe 14.
Q Have you any judgment as to what your age was at that time? A No sir.

Q How old do you think you are now? A I think I am pretty close to 50 if I aint already 50, our father don't know much about our age cause he never kept no record of nothing.

BY MR. HASTINGS:
Q Your best judgment is that you were 12 or 13 years old when you left Mexico and went to Texas after the war? A Yes sir.
Q And you think you are about 50 now? A Right at 50.
Q Where were you married Tom? A I was married down in Texas.
Q At what town? A I was married near La Grange, Texas.
Q Were you living on a farm or in town? A On a farm.
Q Were you living with your parents then? A No sir.
Q About how old were you when you were married? A I don't know I ought to have been very near grown when I married.
Q What was your oldest child's name, didn't you have one to die?
A Its name was Aleck.
Q Where was he born? A In Texas.
Q Near what place? A Near Weimer, Texas.
Q About 8 or 9 miles of Weimer? A Yes sir.
Q What were you doing out there? A Farming.
Q For whom? A I don't know the man's name.
Q Where was Mary born? A She was born in about 8 or 10 miles of Weimer.
Q Where was Louella born? A Not very far from the same place.
Q What was the first President you ever voted for, Grant? A If I voted at all I guess I voted for Grant.
Q What Congressman did you vote for down there? A I don't know sir.
Q What Governor did you vote for? A I guess I voted for the Governor of Texas if I voted for any.
Q Did you vote in a town? A No sir out in the country.
Q You voted in the country precinct then did you? A Yes sir.
Q Good many colored people in your vicinity? A Yes sir.
Q Did they have a colored precinct? A Yes sir.
Q And you went to this to vote? A I don't exactly know the meaning of precinct.
Q The place to cast your vote, you went to vote did you? A Yes sir.
Q How long did you vote down there until you came here in 1897?
A Yes sir.
Q You never voted in town because you didn't live in any of them?
A No sir never lived there.
Q Lived in the country all the time? A Yes sir.
Q Nexer did refuse you any right to vote just like anybody else?
A No sir they claimed that after a man was of age and in the country a certain limit of time he was allowed to vote.
Q Your vote never was challenged then? A No sir.
Q The first time you ever came here was during that payment in 1897? A Yes sir.
Q You never had been here before only when you were a baby? A I hadn't been here since I was carried off by Joel Bryant.
Q That was during the Lightening Creek payment in 1897? A I was here before the payment.
Q How long before the payment? A 5 or 6 months before the payment.
Q Were Kern-Clifton making a roll when you come? A That is what I heard.
Q Did you go before the Commission and ask to be enrolled? A No sir.
Q Did it close before you come? A Yes sir.

Q Did you come before the payment? A Yes sir.
Q Did you go before or after that payment? A I come before the payment.
Q I am trying to find out how long before the payment, the payment made out there at Lightening Creek? A About 5 or 6 months before the payment.
Q Where was your wife? A She was dead.
Q Where did she die? A X She had been dead several years.
Q Where were your children after your wife's death? A I kept them with me.
Q You never remarried? A Yes sir.
Q Did you marry the second time in Texas? A Yes sir.
Q Your wife and these children were still in Texas when you come up here just before the payment? A Yes sir.
Q And you never brought her or these children up here until after the payment? A No sir.

BY MR. BLUE:
Q About how long were you in old Mexico all together? A To my best recollection it seems to me that we ought to have been in old Mexico about 8 or 10 years I think.
Q If you were there 8 or 10 years how old were you when you went into old Mexico? A I guess two or three years old.
Q How old? A 3 or 4 or 5 years old.
Q You were big enough to keep the flies off of the old Colonel when you were going down there? A Yes sir.
Q What is your best judgment as to how old you were when you got into Mexico? A I think I was between 5 and 6 years old.
Q You say you did vote sometimes in Texas? A Yes sir.
Q About how many years had you been in Texas before you voted, fx do you remember? A I was in Texas several years before I voted.
Q Do you remember the month in which you returned with your wife and children? A No sir, I don't.
Q Do you remember what season of the year it was when you came back with them? A Yes sir, it was along in the spring of the year.
Q In crop time? A Yes sir.
Q Did you make a crop that year in the Cherokee country after you come up? A No sir I didn't make any crop, I helped the old man to make a crop at home, my best remembrance I think it must have been along this time when I come back.
Q Along the latter part of May or first of June? A Yes sir.

BY THE COMMISSION:
Q How many years before you came up to the Cherokee Nation in 1897 did you see your father? A About 15 years to my best judgment.
Q And where was your father living at the time you saw him? A In Cooweescoowee District up here in the Cherokee Nation.
Q I am talking about down in Texas the last time you saw him?
A On the Hill farm.
Q Was that near Weimer oe near San Antonio? A Near Weimer.
Q At that time you had a home of your own, you were married at that time? A Yes sir.
Q You were not living with your father? A No sir.
Q How far from his home were you living at that time? A About 15 or 20 miles.

W I T N E S S EXCUSED.

ANDY DANIELS, being first duly sworn testified as follows:

BY MR: BULGER:

Q What is your name? A Andy Daniels.
Q Are you some relation to Burrell Daniels? A I am his son.
Q Where were you born Andy? A I was bren somewhere about Deaksville.
Q Where is that? A Somewhere on Red River in the Choctaw Nation.
Q How old are you now about? A I think I am about 41.
Q Where were you when you can first recollect? A I was in Mexico.
Q What part of Mexico? A I couldn't tell you, I have heard.
Q In a town were you? A Yes sir.
Q How long did you stay in that town until you left it? A I was quite small but that time I couldn't really give; I guess it was somewhere along about 5 or 6 years.
Q Where did you go from that town? A To San Antonio.
Q Do you recollect distinctly of arriving in San Antoinio? A Yes sir.
Q About what age were you then, how large a boy? A I was getting to be a pretty good size boy I guess.
Q About how old, give your best judgment? A About 10 years old.
Q What did you do, or did you do anything in San Antonio in the way of work? A I commenced working around there in a hotel a little
Q What did you do in the hotel? A Wash dishes.
Q How long did you wash dishes in a hotel in San Antonio? A I don't know, not very long.
Q Were you living with your father and mother at that time? A Yes sir, they hired me out.
Q When did you leave San Antonio, and how long after you had been there did you leave the place? A To my best judgment I think we had been there about a year.
Q Where did you go? A Went out west.
Q How far west? A I don't know, 25 miles.
Q Did your family move out with you? A My mother and father went out there.
Q What did you do out there, your mother and father and you? A My father rented a farm there from a Mr. Johnson.
Q How long did you farm for Mr. Johnson? A We made two crops for him.
Q Where did you go from Johnson's? A We come back to San Antonio.
Q Then how long did you stay in San Antonio? A I don't think we stayed there much over a year, I think we left there a long in the fall.
Q Where did you start for? A I couldn't hardly tell you, I was pretty young then.
Q Did you go away with the family from San Antonio? A No sir.
Q Where did you go? A I got around there among the boys and stopped there.
Q Did the family leave you? A Yes sir.
Q And when did you next see the family? A It must have been about a year before I saw them.
Q Where did you see them at that time? A There on Hill's place.
Q Where is that place? A On Colorado River close to Weimer, Texas.
Q Did you go down to your parents? A Yes sir.
Q How long did you remain there? A I think I made a crop there, rented a little ~~piece~~ piece of ground and he furnished me a yoke of cattle and I worked for myself and gather it and I left them there that fall.

Q About how old were you at this time? A I don't know.
Q Were you a grown man? A I don't know.
Q What is your best judgment of your age at that time? A About 19 years old.
Q Did you go some place from that Hill farm? A Yes sir, came up here.
Q Do you remember what year you come here in? A No sir.
Q What nation did you come to? A We come to the Cherokee Nation, landed here in Muskogee and there was a fellow that used to live here by the name of Tom Windy, and we had enough money to pay him to haul us down to Nivens Valley, my grandmother lived down there.
Q Have you lived in the Cherokee Nation continuously since your return? A Yes sir.
Q When you were in Texas did you ever hear your father and mother speak about coming back to the Cherokee Nation? A Yes sir, I have heard them talking lots of time.
Q What would they say? A I have heard the old lady talking about Grand Prairie and naming different places here in the Cherokee Nation, how they used to travel and how bad they wanted to come back.
Q Have you any recollection about the date when you arrived in the Cherokee Nation? A No sir.

BY MR. HASTINGS:
Q You don't know what year you come here in? A No sir I don't.
Q You don't know what year this is? A Well I guess I do.
Q Well tell it? A Looking at the almanac I suppose it would be about 1905.
Q Do you know how old you were when you come here? A No sir.
Q Were you about 21? A No sir, I was somewhere along about 19 when I come here.
Q Do you know? A No sir don't know that hardly.
Q Well did Tom come then? A No sir.
Q When did Tom first come? A He came sometime since then.
Q About what year did he come? A He has been in here 4 or 5 years I guess, as well as I can remember.
Q Do you know about how old young Burrell H. Daniels is? A I don't know sir.
Q What is your best judgment? A I couldn't tell you cause I dont remember when he was born.
Q Do you know where he was born? A He was born in Mexico.
Q Do you know how old he was when you left Mexico, and came over to Texas? A I don't know.
Q Was he a baby? A Yes sir, a pretty good sixe baby, about 6 or 7 years old I guess, or a little over.
Q When you left Mexico and come to Texas? A When we left Mexico and come to San Antonio.
Q Burrell was 6 or 7 years old? A I guess he was, I don't know when he was born.
Q If your father states he was 6 months old, he is mistaken? A I don't know, I was just guessing at it.
Q Where was Lizzie born? A She was born out here at Johnson's.
Q In Texas? A Yes sir, out west of San Antonio.
Q Where was Mack born? A In San Antonio.
Q Where was Lizzie Haynes born? A I think she was born out at Johnston's too.
Q Where was Mary Hill born? A In San Antonio.
Q How old do you say that Lizzie Shafer is? A I don't know sir how old she is.
Q Got no idea at all? A No sir.

Q Do you know how old Lizzie Haynes is? A No sir, I don't.
Q Got no idea, none at all? A No sir.
Q But you know that Mack and Mary and Lizzie Haynes and Lizzie Shafer, those four were born in Texas weren't they? A Yes sir.
Q Did any children die who were born in Texas to your father and mother? A There was my oldest sister died there in San Antonio.
Q Any that was born in Texas, was she born in Texas? A No sir she was born in the Nation.
Q Before the war? A I don't know when it was.
Q You were born in the Cherokee Nation but you never was in the Cherokee Nation until you were 18 or 20 years old? A Well I suppose that was my age.
Q You never was here before that? A No sir.

BY THE COMMISSION:
Q Did you go with your father to the Cherokee Nation? A Yes sir
Q Who was in that party? A Mary, Mack and Robert, they all came up withhim excepting Tom.
Q Tom and his family? A Yes sir.
Q Did your mother come? A Yes sir.
Q What was your wife's name? A Dora Daniels.
Q Is she a white woman? A Yes sir.
Q You married her in Texas did you? A Yes sir.
Q Did your wife, Dora, come with you and the children? A Yes sir.
Q How many children came with you to the Cherokee Nation? A Some
Q All born in the Cherokee Nation? A Yes sir.
Q How long were you married before you came to the Cherokee Nation?
A Just as soon as we got the crop gathered.
Q Are these children all living? All living.
Q Your wife doesn't claim any rights as a Cherokee freedman, does she? No sir.
Q Whatever rights they claim, they claim through you? Yes sir.

BY MR. BULGER:
Q Why did you and your father and his family come to the Cherokee Nation when you did come? He made a kinder of a come out that year with a little money so we could travel.
Q Why had you not come before that time? A Never had been able to, never had had enough to travel any distance, all we could do was to live.
Q How did you happen to come out with more money that year? A I think they made different arrangements in raising the crop and had pretty good luck that year with the crops.

BY THE COMMISSION:
Q Did you always stay with your parents up until the time you were married? A All excepting that year I stepped off in San Antonio.
Q Were you living with your father when you married? A Yes sir
Q You and your wife stayed on that same farm with your father?
A Not exactly on that farm, but on the same man's farm.

WITNESS EXCUSED.

JOHN CROSS, being duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A John Cross.

Q Where do you live? A 6 miles east of Fort Gibson.
Q How old are you? A I suppose I must be about 60 years old.
Q What is your business or occupation? A Farming.
Q How long have you been farming? A I have been farming all my days.
Q In what country and states have you farmed? A I farmed in Texas the first of my farming was done in Texas.
Q How long did you farm in Texas? A I really don't know just exactly how long I couldn't just get at it, just how long, but it was quite awhile.
Q Did you own a farm in Texas of your own? A No sir.
Q How did you farm? A I worked on the halfers.
Q What do you mean by working on the halfers? A I mean they furnished everything and give me half of the crop, and I would get rations from a commissary, and they get their pay for it out of my part of the crop.
Q To whom did the commissary belong? A To the boss of the place.
Q Did you farm in the same neighborhood in Texas where Burrell Daniels did? A No sir.

W I T N E S S E X C U S E D.

BURRELL DANIELS RECALLED:

BY MR. ALLEN:
Q During the time that you were in old Mexico as you have heretofore stated, did you, at any time, vote there? A No sir.
Q Did you take out any naturalization papers there and become a citizen there? A No sir, never did.
Q Have you ever at any time taken out any naturalization papers and become a citizen of any other state or country than the Cherokee Nation? A No sir.
Q Did you ever vote in Texas? A Never did.

BY MR. HASTINGS:
Q Never voted in the Cherokee Nation did you? A Don't know as I ever voted there either.

BY THE COMMISSION:
Q You testified that at Fort Stockton there were several Cherokee slaves there, do you know whether any of them are living now besides those of your own family? A Yes sir, some of them left and went to El Paso.
Q Did any of them ever return to the Cherokee Nation? A Not as I know of, went to El Paso, most of them did.
Q I am asking about those slaves that were with you at Fort Stockton, not a one returned that you know of? A No sir.

W I T N E S S E X C U S E D.

A P P E A R A N C E S.

A. P. LEMON RECALLED:

BY MR. HASTINGS:
Q You are the same witness that was on the stand in this case this

morning? A Yes sir.
Q Is it true that Burrell Daniels life was threatened or that he was compelled by Col. Bryant or any one acting in his behalf to start with him to old Mexico from the State of Texas after the war?

Mr. Blue: I object to that as being incompetent, immaterial, and irrelevant and is calling for a conclusion of this witness and not attempting to get any facts in the case.

A No sir nothing of the kind that I am aware of or ever heard tell of, everything was amicable.
Q Did Burrell Daniels desire to go with Col. Bryant to Mexico?
A Yes sir, he seemed that way.

Mr. Blue: I offer the same objections as above.

Q Was he advised that old Mexico was a free state and was that ~~xx~~ your understanding at that time? A I don't know what advice but it was understood that Mexico was a free state.
Q Was there any soldiers taken along with Col. Bryant to guard these people to keep them from running away? A No sir.
Q At Fort Stockton were the colored people lined up and compelled to sign agreements and was Burrell Daniels compelled under threat of having his life taken of signing that agreement to pay Col. Bryant for his transportation for himself and family over to old Mexico?
Mr. Blue: I offer the same objections as above.

Q If Burrell Daniels stated that, is that true?

Mr. Blue: Same objections.

A No sir.
Q Were any threats made against his life at that time?

Mr. Blue: Same objections.

A No sir.
Q The applicant just made a statement her to the effect that Col. Bryant got about 1500 head of ~~xxxxx~~ cattle and drove them across there into old Mexico, I am frank to say that I don't see that that cuts much figure in this citizenship matter, but I want to ask you if that is true? A No sir.

Mr. Blue: I want to object to that for it contains a suggestion of the council, and sam reasons as above.

Mr. Hastings: In answer to the above objection council for the Cherokee Nation desire to state that this question is asked purely for the purpose of contradicting the other witness, and while it is upon an immaterial point, yet if this other witness would go so far as to make such an absolute false statement as the one he did make with reference to these cattle, it would be a tendency to show the Commission and the Secretary of the Interior of the false statement of this witness.

Mr. Blue: In reply I desire to say that it is wholly gratuitous for he cannot be impeached upon an immaterial question, and further than that the present witness is quite as impeachable as the other witness.

Q Did he have any cattle other than you said? A No sir, he had a few milk cows and some beef cattle.
Q And you say it is absolutely without foundation? A Yes sir, without foundation and false.
Q And you say it is absolutely without foundation and it is false that he was compelled to go to Mexico or compelled to sign this contract? A Yes sir.

Mr. Blue: I object to that, it is incompetent, immaterial, and irrelevant, is a leading question and I object to it on that ground.

Q Did Col. Bryant have any soldiers along with him at all? A As I said I thought there was 10 or 12 men that some 4 or 5 of them had belonged to some other command, I don't think there was but one man that belonged to his regiment.
Q And they just went along as a party? A Yes they knew him.
Q Did you hear any remark made by Col. Bryant to the effect that Burrell Daniels would be killed and the wolves would eat his bones if he didn't sign that paper at Fort Stockton? A No sir.
Q You were there when it was signed, witnessed it? A Yes sir.
Q You say that Burrell Daniels was given his discharge papers by Col. Bryant at that time? A Yes sir, before he signed the others.
Q Was he told that he was a free man at that time. A He says this is the first act ~~that~~ Burrell that you have done as a free man. There was me andafew of the members of Mr. Bryants family, and about two other men besides myse lf when it was going on.

BY MR. BLUE:
Q Was there any man of adult age that was along with you at that time that hadn't been in the Confederate army? A I don't think there was, there might have been.
Q The fact is that all of those men that were of sufficient age had been in the Confederate services and were all leaving the country because they didn't like to stay here with the Yankees? A Well I don't know.
Q You were leaving for that purpose? A He might have left for that purpose.
Q Your father-in-law and his four sons-in-law all of whom had been in the Confederate army were going to old Mexico? A Yes sir.
Q And Lieut? or Capt. Stewart was along? A Yes sir.
Q And these two officers of his regiment? A No sir,only one officer of his regiment Lieut. Thomas, and Dr. Powell belonged to Col. Bryant's regiment, Capt. Stewart belonged to the First Cherokee regiment.
Q He had some Confederate soldiers along with him? A I don't know whether you would call them soldiers or not.
Q And all these men including your father-in-law and his sons-in-law were along, were they? A Yes sir.
Q And Col. Bryant freed these people at Fort Stockton about 200 miles from any settlement? A Yes sir.
Q And they had no teams or anything of conveyance? A Yes sir.
Q Do you not think, Mr. Lindsey, that it was a very singular proceeding for the former master and owner of slaves at such a place as Fort Stockton, many miles from any settlement, in a ~~country~~ comparatively desert country and without any means of conveyance or anything to subsist on until they could get to a settlement to go through the form of releasing them f rom slavery there, and then ask them to sign a contract to work for him in old Mexico until they could pay him a bill for carrying them from Texas over into old Mexico?

Mr. Hastings: Objected to because this question is purely a matter of argument and is not cross examination of any fact of its developement.

A From one ~~xxxxxxxxxxxxxx~~ aspect it would look to be peculiar, but I will state, as I have formerly stated that from the start from Warren, Texas, that with those people it was all entirely amicable and that there was no friction whatever at all existed between Col. Bryant and his slave, Burrell, that there was as ~~xxxxxxx~~ mutual understanding as could be between master and slave.

Q Under this contract about which you have testified, which was agreed as I understand it that Burrell Daniels signed by his mark a contract agreeing to pay Col. Bryant $500.00 for conveyxxxxxxx - ing him and his family over to old Mexico from the starting point in Texas? A All is correct except the amount, I don't know about that, I don't remember the amount.

Q Were you present when this case was tried in the Mexican or French courts as they had there? A No sir.

Q Do you know anything as to the amount Col. Bryant claimed when he got to Mexico? A I do not know sir.

Q You say under that contract he enforced that contract against Burrell Daniels in Mexico and collected the money on it? A Yes sir

Q Now you have stated about some cattle, is it not a fact that Col. Bryant, before he started to old Mexico traded some slaves for some cattle? A Yes sir.

Q You know Mr. Baugh? A Yes sir.

Q How long have you known him? A About 51 years nearly.

Q If Mr. Baugh in his testimony stated that Capt. or Lieut. Stewart had a company of 15 or more men with him there, he was mistaken?

Mr. Hastings: I want to object to that because that is not his statement and the record will not show so, but the record will show that a number of men were along, but the record will not show that he had a company of men.

Q If Mr. Baugh did state in his testimony in this case today that there was a number of armed men along with this party with Lieut. or Capt. Stewart, in your trip to old Mexico, he was mistaken was he? A Yes there was a number of men along and armed, and Capt. Stewart was along but he had no command and did not act as commander, he was or had been a Captain and was called Captain.

Q If I understood you this morning you stated that all the party that was at Fort Stockton crossed over into old Mexico with you, am I right about that? A About making that statement, I don't remember but about all the party that was at Fort Stockton, not exactly all there was a few that came from Missouri, they joined us but didn't go on to Mexico.

Q Didn't you state this morning that all the party that was at Fort Stockton crossed over into old Mexico? A I don't know whether I did say it or not, I might have.

Q If Mr. Baugh stated on the stand that a part of the boys of the company that was along in that march from Texas to old Mexico, left it was incorrectly? A Yes sir.

Q There were some men along that didn't have any arms? A It is possible, there might have been there was a transient party along.

Q Did your party take any cattle into old Mexico with you? A No sir.

Q Did any parties join your party with some cattle after they started? A Yes sir.
Q Who were they? A Capt. Stewart, Major Hanlin, and man they called Johnson, and a young man called Poe, and Lieut. Thomas and Dr. Powell.
Q How many cattle did they have? A Something like 200 maybe a little more, or a little less.
Q Then after all there was a herd of cattle along there with you besides the cattle of Col. Bryant? A Yes sir.
Q You don't know how many head there was of them? A From my best recollectio n there wa s some 200 maybe more or less.
Q You don't swear to the exact number? A No sir I never counted them.
Q Wasn't Capt. Stewart and this man with you before they went back after those cattle? A No sir.

BY MR. HASTINGS:
Q Did Col. Bryant have anything to do with those cattle? A No sir.
Q What relation was that with Indians? A It was pretty good country for Indians, I recollect once where the Indians run off and left a place.
Q You people went armed as individuals but there was no company of soldiers? A Nothing of the kind.

BY MR. BLUE:
Q Where was that you jumped up these indians? A Up on the head of what they called Brady Creek.
Q How far was that from Fort Stockton? A Somewhere between 75 and 100 miles.
Q And that was the country in which Col. Bryant freed his slaves? A Yes sir.
Q Did they have any arms to protect themselves? A I didn't see any.
Q No means of protection or nothing to eat? A I have answered that two or three times.

BY THE COMMISSION:
Q How far did you say Stockton was from Chihuahua? A I couldn't say exactly, about 400 miles.
Q How long did it take you to travel from Fort Stockton to that place? A We travelled at the rate of 15 or 20 miles per day, perhaps we were on the road 15 or 20 days.
Q Do you mean that was on the travelled route? A Yes sir.
Q How far as the crow flies, how far is it? A Perhaps I struck off a good deal, about 200 to 250 miles perhaps.
Q There was no rail roads at that time? A No sir.

W I T N E S S E X C U S E D.

BY THE COMMISSION:
As far as the evidence in this case is now closed, and the case is submitted on the record. By the mutual consent and stipulation of the parties the case will be written up and briefs

will be allowed to be filed by the representatives of the applicant, and the Cherokee Nation then 10 days.

THIS CASE IS NOW CLOSED.

George E. Lemley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) George E. Lemley.

Subscribed and sworn to before me this 15th day of June, 1905.

(Signed) Edward Merrick.

Notary Public.

Nabelle Cohenour, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a correct copy of the original transcript.

Nabelle Cohenour

Subscribed and sworn to before me this 20th day of June, 1905.

Chas E. Webster

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedman, consolidating the applications of:

Burrell Daniels, et al.,	Cherokee	Freedman	R 40,
Thomas Daniels, et al.,	"	"	R 391,
Andrew Daniels, et al.,	"	"	R 393,
Burrell H. Daniels,	"	"	R 390,
Lizzie Haynes, et al.,	"	"	R 395,
Mack Daniels, et al.,	"	"	R 392,
Mary Hill, et al.,	"	"	R 394,
Lizzie Shafer, et al.,	"	"	R 396.

-:-

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Burrell Daniels for himself, his wife, Miranda Daniels, and minor son, Robert Daniels; by Thomas Daniels for himself and minor children, Mary and Louella Daniels, and minor grandchild, Julia Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Rosie, Minnie, Miranda and Ruth Daniels; by Burrell H. Daniels for himself; by Lizzie Haynes for herself and minor child, Edward Haynes. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on January 29, 1902, of Ames Haynes, child of the applicant Lizzie Haynes; by Mack Daniels for himself and minor child, Nady Daniels; by Mary Hill for herself and minor child, Alice Hill. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on March 10, 1902, of Adran Hill, daughter of the applicant, Mary Hill; and by Lizzie Shafer for herself. Thereafter on June 4, 1902, there was filed with the Commission an affidavit showing the birth, on May 1, 1902, of Arlena Shafer, daughter of the applicant Lizzie Shafer.

THE RECORD FURTHER SHOWS: That, on January 14, 1904, the Commission rendered its decision herein, denying said applicants the right to enrollment as Cherokee Freedmen; that on June 24, 1904 (Departmental Letter L.T.B. [illegible]), said decision of the Commission was affirmed by the Department; and that, thereafter, on December 12, 1904, a motion for review was filed with the Department, on behalf of the applicants in this case; the case being submitted to the Assistant Attorney-General for his opinion thereon; that, on May 13, 1905, (Departmental letter L.L.B. [illegible]-05), the Department, in accordance with opinion of the Assistant Attorney-General, rendered May 9, 1905, rescinded its decision of June 24, 1904, and returned the record in this case with instructions to "institute a rehearing in the matter"; and that, on June 8, 1905, further proceedings in the matter of said application were had before the Commission at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as Cherokee Freedmen.

The following points in this case are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Burrell and Miranda Daniels, are the parents of Robert, Thomas, Andrew, Burrell H., and Mack Daniels, and Lizzie Haynes, nee Daniels, and Nancy Newton, nee Daniels, deceased; and that all the other applicants herein are descendants of certain of the above named persons, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(2) That the applicants, Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and that, after the close of said rebellion, the three applicants first above mentioned returned to the Indian Territory during the following years; Burrell and Miranda Daniels in 1884, and Thomas Daniels in 1897. The said Nancy Newton, nee Daniels, deceased, never returned to the Indian Territory, after the rebellion, she having died in Texas prior to the year 1884.

(3) That all the applicants herein except Burrell, Miranda and Thomas Daniels, were born since the commencement of the rebellion.

(4) That those applicants herein who were in being at the close of the rebellion, together with the said Nancy Newton, nee Daniels, deceased, were taken, by one Joel M. Bryant, from Texas to Mexico during the year 1865, where the said Burrell Daniels and his family remained until about the year 1872, when they removed to Texas and con-

tinuously lived therein till their return to the Indian Territory as above indicated.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Burrell and Miranda Daniels, with their family, voluntarily accompanied Joel H. Bryant and party from Texas to Mexico during the spring and summer of 1865; that they remained in Mexico till 1872, when they removed to Texas, became domiciled citizens of that state, and continuously lived therein till their removal to the Indian Territory during the years 1894 and 1897; and that none of the applicants herein have ever been admitted or readmitted to citizenship in the Cherokee nation.

And it is further considered that the evidence in this case shows that upon their return to the Indian Territory, after the rebellion, neither the applicants Burrell, Miranda and Thomas Daniels, nor the applicants herein claiming through them, nor those claiming through Nancy Newton, nee Daniels, deceased, established a residence in the Cherokee nation, but rather in the Creek Nation, where they continuously resided till subsequent to the year 1896.

None of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither of the applicants, Burrell, Miranda, or Thomas Daniels, nor Nancy Newton, nee Daniels, deceased, became domiciled citizens of the Cherokee Nation within the time specified by the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee nation et al., for the return of freedmen to the Cherokee nation; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

And it is further considered that, granting that those applicants herein born prior to the close of the rebellion, and the said Nancy Newton, nee Daniels, deceased, were, on or prior to February 11, 1867, domiciled citizens of the Cherokee Nation, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

[illegible] Yarbrough, Purrell E. Daniels, Minnie Haynes, Edward [illegible], Jesse Haynes, Rock Daniels, Rudy Daniels, Mary Hill, Alice Hill, Jurma Hill, Minnie Shafer and Arlena Shafer, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,
this Sep 25 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Burrell Daniels et al.----------	Cherokee Freedmen	R	40,
Andrew Daniels et al.----------	Cherokee Freedmen	D	861,
Lizzie Shafer et al.----------	Cherokee Freedmen	D	916,
Mary Hill et al.----------	Cherokee Freedmen	D	917,
Lizzie Haynes et al.----------	Cherokee Freedmen	D	941,
Mack Daniels et al.----------	Cherokee Freedmen	D	1099,
Thomas Daniels et al.----------	Cherokee Freedmen	D	1100,
Burrell H. Daniels----------	Cherokee Freedmen	D	1101.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Burrell Daniels, for himself and wife, Meranda Daniels, and minor child, Robert Daniels; by Andrew Daniels, for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer, for herself; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arlena Shafer; by Mary Hill, for herself and minor child, Alice; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Adram Hill; by Lizzie Haynes, for herself and minor child, Edward Haynes; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Amos Haynes; by Mack Daniels, for himself and minor child, Mady Daniels; by Thomas Daniels, for himself and minor children, Mary, Louella and Julia Daniels; and by Burrell H. Daniels, for himself.

The evidence shows that the said Burrell Daniels and his wife, Meranda, together with their children, Nancy Daniels, now deceased, and Thomas Daniels, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they were taken out of the Cherokee Nation and did not return thereto until sometime after the year 1879; that the said Andrew Daniels was born during the war of the rebellion and came to the Cherokee Nation with his father and mother on their said return. All the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Burrell, Meranda, Thomas, Nancy or Andrew Daniels.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Harvell Daniels, Hernada Daniels, Riley W. Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Emile Daniels, [illegible] son of Andrew Daniels, Dudley Daniels, [illegible] Hernada [illegible], [illegible] Bill, [illegible] Bill, Lizzie Haynes, [illegible], [illegible], Mack Parkins, Baby Daniels, Thomas [illegible], Julia Daniels and Harvell M. [illegible] of Indian Territory, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. O. Beasley,
Commissioner.

Muskogee, Indian Territory,

this JUN 16 1904

Cherokee Freedman R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedman.

Copy, in part, of certain records in the custody of this office.

-o-o-o-o-o-

* WALLACE ROLL. *

*Office No.	Wallace No.	Names		Age	Sex	Residence	
2314	245	Daniels,	Burrell	60	M	Creek	Nation
2315	246	"	Miranda	61	F	"	"
2316	247	"	Burrell Jr.	16	M	"	"
2317	248	"	Mack	16	M	"	"
2318	249	"	Lizzie	14	F	"	"
2319	250	"	Robert	12	M	"	"
2320		"	Mary	10	F	"	"
2321	251	Newton,	Lizzie	8	F	"	"

--101--

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on page 109 of the Wallace roll, and that said Wallace roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Burrell Daniels, et al. Cherokee Freedman R 40 et al.

Tams Bixby,
COMMISSIONER.

Dated at Muskogee, Indian Territory,
this SEP 26 1905

Cherokee Freedman R 40 et al,

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

--:--

Census of _____ Citizens residing in _____ District, Cherokee Nation, Authorized by an Act of the National Council approved April 15, 1893.

No.	Name	Age	Male	Female	By whom Identified	Remarks
94	Paul Daniels	20	"		Elizabeth S. Thompson J. Thompson by certificate	Living in Creek Nation Never lived in Cherokee Nation since 1881.
95	Mermie Daniels	45		"		
96	Burrell Daniels Jr	10	"			
97	Mack Daniels	18	"			
98	Lizzie Daniels	14		"		
99	Robert Daniels	12	"			
100	Mary Newton	15		"		Orphan grandchildren
101	Lizzie Newton	10		"		
102	Mary Newton					
103						
104	Amy Daniels	24	"			Living in Creek Nation
105	Willie Daniel	12	"			
106	Rosie Daniel	8	"			
107	Thomas Daniel	6	"			
108	Susan Daniel	4		"		
109	Rosie Daniel	2		"		

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on Page 4, Muscogee District, Census Roll of 1893, and that said Census Roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Harrell Daniels, et al., Cherokee Freedmen R 40, et al.

James Bixby
COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 25 1905

Cherokee Freedmen R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office/

CHEROKEE FREEDMAN PAY ROLL.

Roll No.	Office No.	Names	Age	Sex	P.O. Address
4408	4446	Daniels, Andrew	12	M	Cooweescoo Dist
4412	4447	" William, son	15	M	" "
4413	4448	" Louie, "		M	" "
4414	4449	" Tom "		M	" "
4415	4450	" Susie, dau.		F	" "
4416	4451	" Rosie, "		F	" "
4417	4452	" Minnie "		F	" "

4501	4453	Daniels, Burrell	44	M	Creek Nation
4506	4454	" Burrell Henry, son	19	M	" "
4507	4455	" Mack "	14	M	" " "
4508	4456	" Lizzie, dau	17	F	" "
4509	4457	" " Robert, son	13	M	" "
4510	4458	Bolton, Mary gr. dau.	15	F	" "
4511	4459	" Lizzie " "	12	F	" "
4504	4462	Daniels, Tom	36	M	On Orig. Age Cooweescoo Dist.

---:---

James Bixby.

[redacted]

[redacted]

[redacted] SEP 25 1905

14941

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 8 1902

ACTING CHAIRMAN.

To be filed with F-D-941-Lizzie Haynes.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPRARANCES:
Mellette, Smith & Cravens,
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace roll made by J. W. Wallace as shows the enrollment of J.x Andrew Daniels and family as Cherokee Freedmen and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as showsthe enrollment of Burrell Daniels and family as Cherokee Freedmenand beneficiaries of the per capita fund of seventy five thousand dollars appropriated by the act of Congress approved October 19,1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1888, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified ~~in their cases~~ before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filedwith and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1099, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicant s are represented by Mellette, Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter.
Notary Public.

X

FD 941

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory AUG 26 1901, 190:

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Susan Hampton et al for enrollment as Cherokee Freedman.

Meredith S. Franklin
Atty for applicants

Cherokee Freedmen # 2941

D
SUBMISSION TO THE FIVE CIVILIZED
FILED
MAR 24 1902
[illegible]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Lizzie Haynes,
Talala, I. T.
Cherokee F-D-941
Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 28 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

Date June 28, 1901

Post Office Atoka, I.T.

District Coo

1. Name Doubtful

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Lizzie Haynes Age 16 about

Owner's name Citizenship

Year N.C. Page 181 No. 4456 District Creek Nation

Parents:

Father Burrell Daniels Citizenship Freedmen

Mother Mary Daniels Citizenship "

Names of Children:

3. Edward Haynes Year Page No. Dist. 1713

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Lizzie Haynes Stenographer B. R. Jones

Not on N.C. Roll as Lizzie Daniels Creek Nation

Not on Mallard Roll P 109 #7313, Lizzie Daniels, Creek Nation

Not. Birth certificate required

x ref to D 259 8:1 also R 40

Ref. Willetts + Smith Ainita I.T.

Cherokee Freedmen
D-941.

Muskogee, Indian Territory, January 19, 1904.

Lizzie Haynes,

Talala, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Edward and Amos Haynes, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-78.
Register.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

Edgar Smith,

Attorney for Burrell Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels, Lizzie, Edward and Ames Haynes, Mary, Alice and Adrea Hill, Lizzie and Arlena Shafer as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-79.

Register.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, and Lizzie and Arlena Shafer as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-80.

Cherokee Freedman
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

~~The Honorable~~

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Burrell Daniels et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, Lizzie and Arlena Shafer as Cherokee freedmen.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. D-81

Through the
Commissioner of Indian Affairs.

COPY

Refer in reply to the following:
Land: 5529-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 16, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, transmitting the record of the application for enrollment as Cherokee Freedmen of Burrell Daniels for himself and his wife Miranda Daniels and minor child, Robert Daniels; by Andrew Daniels for himself and minor children Willie, Lewis, Sasie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer for herself and minor child Arlena Shafer; by Mary Hill for herself and minor children, Alice and Adran Hill; by Lizzie Hayne for herself and minor children, Edward and Amos Hayne; by Mack Daniels for himself and minor child, Mady Daniels; by Thomas Daniels for himself and minor children, Mary, Louella, and Julia Daniels, and by Burrell H. Daniels for himself.

January 18, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Burrell Daniels, and Miranda, his wife and his minor child, Thomas Daniels were the slaves of a Cherokee citizen at the commencement of the war of the rebellion; that during the war they were taken out of

the Cherokee Nation; that after the war they were kidnapped by one Col. Bryant and carried into Mexico and sold into peonage; that in 1871 they were released from servitude and arrived in San Antonio, Texas, during that year; that they did not return to the Cherokee Nation until the year 1884. The other claimants have no rights except as derived from Burrell, Miranda or Thomas Daniels.

Under date of January 16, 1897, this office submitted for consideration and approval the Kern-Clifton roll of Cherokee freedmen. With reference to Burrell Daniels the office said:

"Commissioners Clifton and Kern join in especially requesting the Department to place upon the roll the name of Burrell Daniels No. 4501, and his family. These Commissioners state as follows:

"It was not in the power of the Commission to do this because the evidence shows that he did not return until 1870 or later, but the evidence also shows that at the conclusion of the war he was sold by his owner, a Cherokee, into slavery into Mexico, and kept there for five years, until by the interference of this government, he was taken from Mexican slavery and at once returned to the Cherokee Nation. He and his family are estimable citizens, and these two Commissioners believe that the Cherokee Nation, whilst not willing to recommend his enrollment, yet would not be adverse to having him enrolled."

The same question was raised in this case before Commissioner Wallace, and the facts as stated by these Commissioners and as stated by Mr. Daniels himself in his testimony, submitted by them, are corroborative of the testimony as given before Commissioner Wallace, and upon which, he was enrolled by the Department. While under a literal interpretation of the language

of the treaty he might be entitled to enrollment, it was certainly not the spirit of the treaty to exclude persons of this class."

By letter of January 16, 1897, (Ind. Div.8075-1896) the Department approved the enrollment of Burrell Daniels.

It does not appear necessary to pass upon the question of the duress of the claimants, Burrell, Miranda and Thomas Daniels during the period alloted for the return of Freedmen to the Cherokee Nation ending Fenruary 11, 1867, for the reason that they do not appear to have made proper effort to return to the Cherokee Nation and claim their rights. On the contrary it is shown that that took them thirteen years from the time of their release from peonage to get to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C . Tonner,

Acting Commissioner.

MMM

C

W.C.F.

J.P.

D.C.21703-1904

I.T.D. 5040-1904.

L R S

FHR

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 24, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1904, you transmitted the record in the consolidated case embracing the applications of Bursell Daniels et al (F.R-40 et al), for enrollment as Cherokee freedmen, including your decision of January 18, 1904, rejecting said applications.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

Cherokee Freedmen
D 941

Muskogee, Indian Territory, June 30, 1904.

Lizzie Haynes,

Talala, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 13, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Edward and Ames Haynes, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 941, et al.

Muskogee, Indian Territory, June 26, 1904.

Edgar Smith,

Attorney for Lizzie Haynes, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, the applications for the enrollment of Lizzie, Edward and Anna Haynes, Mary, Alice and Adran Hill, Lizzie and Arlena Shafer, and Andrew, Willie, Lewis, Susie, Thomas, Burley, Annie, Minnie, Miranda, Ruth, Burrell, Marenia and Robert Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
5 1161, et al.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 11, 1904, rejecting the applications for the enrollment of Burrell H., Thomas, Mary, Louella, Julia, Hack, Nady, Andrew, Willie, Lewis, Susie, Thomas, Darley, Essie, Minnie, Miranda, Ruth, Burrell, Miranda and Robert Daniels, Lizzie, Edward and Anne Haynes, Mary, Alice and Adrum Will, and Lizzie and Arlena Shafer as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 40, et al.

Muskogee, Indian Territory, July 9, 1904.

William M. Freeman,
Attorney for Burrell Daniels, et al.,
Muskogee, Indian Territory.

Dear Sir:

In accordance with your request there is herewith inclosed to you a copy of the testimony in the consolidated case of Burrell Daniels, et al., Cherokee Freedmen Nos. R 40 and R 386 to R 396, inclusive, together with a copy of the Commission's decision rejecting the applicants, and a copy of the Department's letter of June 24, 1904, affirming the Commission's decision.

Respectfully,

Commissioner in Charge.

Encl. V-10

COPY.

J. R. W.
W. C. P.
S. V. P.

I. T. D.
1966-1966
9427, 10681-
1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

WASHINGTON, May 9, 1906.

The Secretary of the Interior.

Sir:

I received by reference of February 10, 1906, for opinion thereon, the motion of counsel for the Cherokee freedmen for reconsideration of departmental decision of March 22, 1904, approving my opinion of that date, and by reference of February 18, 1906, for consideration in connection therewith, the record in the consolidated case of Bayrell Daniels and others (twenty-eight persons) for enrollment as Cherokee freedmen. The latter case is before the Department upon a motion of counsel for the applicants for review of the decision of the Commission to the Five Civilized Tribes adverse to the applicants.

My opinion of March 22, 1904, was rendered upon departmental reference of a request by the Commission to the Five Civilized Tribes for construction of the freedmen enfranchisement clause of Article IX of the treaty of July 19, 1866 (14 Stat., 799, 801):

That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six

months, and their descendants, shall have all the rights of native Cherokees: Provided, ...

The opinion referred to, so far as here in question, summarized, was that: (1) The six months period (from ratification of the treaty August 11, 1867,) is not a limitation, but a condition to the right granted, affecting all, competent or incompetent, and that return within the period therein fixed is an essential part of the facts out of which the right granted arises; (2) That "residents" had reference to the place of the freedman's legal domicile, and not to that of his then accidental, actual, physical presence or temporary place of abode.

The contention of counsel for the freedmen in the present motion is, that the provision, "and are now residents therein, or who may return within six months," has reference only to "free colored persons who were in the country at the commencement of the rebellion," and has no reference to the former slaves described as freedmen liberated by their owners or by law. This contention is based upon an analysis of the grammatical structure and punctuation of the provision, which I have carefully considered, but deem unnecessary here at any great length to discuss. Grammatical structure and punctuation are both proper aids to construction, but neither nor both combined exclude other inquiry into the legislative intent which must

always control, when satisfactorily ascertained, though both grammatical structure and rules for punctuation be disregarded. By this, however, I am not to be understood as conceding the contention that either the grammatical structure or the punctuation indicates that the six month period had reference to the "free colored persons" only, or did not refer to the liberated former slaves. As to structure of the sentence, it appears to me that the words "as well as" are strongly conjunctive, not disjunctive. The phrase "as well as" is defined in the Century Dictionary and Webster's International Dictionary, at the word "as", as meaning "just as much, equally (with), in addition (to), besides, no less (than)." All these definitions or equivalents of "as well as" indicate the idea of equality of merit and of benefit, rather than an intent to give more privilege to or to impose less burdensome obligation or condition upon the first class than upon the second. The circumstances of the time were that the former slaves had late been mere things, chattels, not men, and their claim to recognition and just treatment as members of the organized society could hardly have won higher recognition that that given other persons of the same race who had attained to free manhood years before, or even higher that that given the free-born full-blood Cherokee. A construction that would lead to such result is, in light of the circumstances of the time, not

[illegible] but [illegible], and is clearly [illegible].

As to punctuation, and the intention been to justify the operation of the six months [illegible] or freed colored person class [illegible] of connected thought was necessary or [illegible] from its limitation with the words "as well as" [illegible] the words "[illegible]", when, on this theory, the thought culminated, was fully expressed, and a natural pause was reached. In fact the punctuation is against the theory sought to be based upon it.

The Cherokee Nation at that time had a constitutional provision (Sec. 2, Art. 1) against their own full-blood citizens, thus:

> Whenever any citizen shall remove with his effects out of the limits of this nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease.

This provision operated instantly upon the native Cherokee, whenever and as soon as he removed his person and effects from the nation and identified himself with a community alien to it. Had the treaty benefit been limited only to such freedmen, or former slaves as were then in and identified with the nation, the provision would have been as liberal to the freedmen as was the Cherokee constitution toward its own full blood citizens. In giving a six months period for their return

the treaty was more liberal to the freedmen than was the constitutional provision to the native-born. This no doubt was due to the conditions of the time at close of a period of war when social disorder caused many to remove to safer localities. The proper period to be allowed because of such conditions was one to be determined by the treaty parties, but consideration of the circumstances of the time and the provision of the constitution of the Cherokee Nation show that it could not have been intended to give freedmen an unlimited time to return and thus to extend a privilege as to absence far above that of full blood native citizens.

For these reasons, as well as those advanced in my former opinion, I am of opinion that the six months period in Article IX, of the treaty, supra, applies equally to former slaves and to former free persons of color, and adhere to the opinion formerly expressed.

Passing now to the case of Burrell Daniels and others, I desire to call attention to the opinion of March 22, 1904, that "residents" in the treaty has reference to the place of legal domicile, not that of actual accidental presence, and also to my opinion of April 16, 1904 (in I. T. D. 8308-1903; 799 and 1240-1904), in case of Charles Foreman, in the final paragraph of which it was noticed that "one under actual restraint, whether

legal or not, can not freely choose his own place of abode, or his domicile", meaning thereby his place of usual actual physical presence and place of living. At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat., 801) the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands went to Mexico, carrying Daniels with them and sold him to Mexicans, where he was held in peonage until his return was affected by intervention of the United States.

It does not appear when Daniels' deportation occured more definitely than that it was after Kirby Smith's surrender (May 26, 1865), and before August 20, 1866, as Colonel Bryant, in command of the force holding Daniels, had been ordered to turn in his camp equipage, but refused to do so, went south through Texas into Mexico, taking with him the negroes and a herd of cattle. By August 20, 1866, the banditti which infested Texas

after the surrender of the organized armies had been suppressed, dispersed, or expelled, and the termination of the period of war was proclaimed (14 Stat., 814). Colonel Bryant's party was one of these insurgent banditti, and Daniel's removal, deportation into peonage in Mexico, was evidently after the fall of the organized confederate government and surrender of its armies, and was without any semblance of authority of an organized government, but was a mere act of brigandage. It is clear that Daniel's deportation by brigands and sale into peonage in Mexico and his detention there worked no change in his residence and forfeited no rights. While held in peonage he must be regarded as resident and domicile in the Cherokee Nation, and his children born there as born in the nation.

The United States interferred in his behalf, effected his release from peonage, and returned him to the United States after about six or seven years of foreign servitude. He was not returned, however, to his home in the nation, but was left in San Antonia, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated those regions or afforded facility for travel. His rights and the consequences of his delay in effecting his actual return from San Antonio to the Cherokee Nation must be determined upon the same principles as the case of a native Cherokee citizen under section 2, Article 1, of the Cherokee Constitution, had a native citizen, at the time

of Daniel's return by the United States to San Antonio, been forcibly taken and sold down at San Antonio.

To that time Daniels had been able to do nothing and had done nothing to change his legal domicile from the nation. He had been forcibly and fraudulently deported by brigands and sold into servitude. No rights could be lost thereby in legal respect he was while in foreign passage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the treaty. If upon being freed from physical restraint he returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation. If, on the other hand, he pursued such course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

As to what the fact was in this respect I do not regard it proper for me, in the first instance, to find from the evidence in the record, thus forestalling the Commission to the Five Civilized Tribes and the proper reviewing officers whose province it is to adjudge the facts. As the commission did not base their decision upon proper grounds, but based it upon a

supposed bar in Article II of the treaty against their consideration of those facts, regarding him as not domiciled in the [illegible] on or prior to August 11, 1867, whereon he should be regarded as so domiciled therein, I am of opinion their decision should be vacated and the case readjudicated under the general or [illegible] clause provisions of the Convention [illegible] part of either Danish or the nation to introduce further evidence bearing upon the question of intention to change his domicile prior to his actual return to the nation.

Very respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney General.

Approved, May 9, 1905:

(Signed) E. A. Hitchcock,
Secretary.

J. W. M.
JEM.

DEPARTMENT OF THE INTERIOR,

D. O. 24559-1905.
I.T.D. 8430-1905.

WASHINGTON, May 15, 1905.

Direct.

125.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On June 24, 1904, following the recommendation of the Indian Office of June 17, 1904, the Department affirmed your decision of January 18, 1904, refusing to enroll, as Cherokee freedmen, the applicants in the case of Burrell Daniels, et al. (Y. R. 40).

A motion for review was filed on behalf of the applicants in this case and submitted to the Assistant Attorney General for this Department for opinion. In an opinion rendered and approved May 9, 1905, the Assistant Attorney General held that if the principal applicant, after being freed from physical restraint, returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation; further, that if on the other hand, he pursued such course as showed an intent to choose a domicil and abide elsewhere, his rights should be determined

previously an image of a native Chamorro citizen would be one of that class removed from the nation and bred up his residence at San Antonio.

The opinion was also expressed that he your Commission did not base its decision upon proper grounds, but based it upon a supposed bar in article XI of the treaty of 1868, regarding the applicant as not domiciled in the nation on or prior to August 10, 1899, whereas he should have been regarded as so domiciled therein, your decision should be vacated and the case readjudicated under the removal or expatriation provision of the Harvard Constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intent on to change his domicil prior to his actual return to the Nation.

In accordance with this opinion, a copy of which is inclosed, the decision of the Department in the case is hereby rescinded; the record and the papers are returned herewith and you are requested to institute a rehearing in the matter.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

13 Inclosures.

COPY

Cherokee Freedmen

R-393.

Muskogee, Indian Territory, May 31, 1906.

Lizzie Haynes,

Talala, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al, as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 13, 1906, remanding this case for further hearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1906, and introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED) T. B. Needles,
Commissioner in Charge.

Register.

COPY.

Muskogee Freedman
Bldg, I.T.

Muskogee, Indian Territory, May 24, 1898.

Hall, Mullings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Darrell Daniels, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 12, 1898, remanding this case for further hearing and reconsideration.

The applicants have, therefore, this day been directed to appear before the Commission at its Office in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 2, 1898, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Enclosure.

Early Bell.

COPY

[illegible] Freedman

[illegible], et al.

Muskogee, Indian Territory, [illegible], 1906.

[illegible] & Delaney,

Attorneys for Darrell Freeman, et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Darrell Freeman, et al., as Cherokee freedmen, you are advised that the commission is in receipt of Departmental letter of May 14, 1906, remanding this case for further hearing and readjudication herein.

The applicants here, therefore, will be advised to appear before the Commission at its Office in Muskogee, Indian Territory, at nine o'clock a. m. on Thursday, June 28, 1906, and introduce such testimony as they may think in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Inc. File.
Registrar.

Muskogee, Indian Territory, Sep 25 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of May 13, 1905, (I. T. D. 5330-1905), remanding the record, including the decision of the Commission to the Five Civilized Tribes of January 18, 1904, in the matter of the applications of Burrell Daniels, et al., for enrollment as Cherokee Freedmen, for rehearing and readjudication, in accordance with the opinion of the Assistant Attorney-General, rendered on May 9, 1905, wherein it is held that the Commission erred in adjudicating the rights to enrollment as Cherokee Freedmen of the said Burrell Daniels, et al., under the theory that their rights were barred under Article IX of the Treaty of 1866, and that said applicants' rights to enrollment as Cherokee Freedmen should have been adjudicated under the provisions of Section 2, Article I, of the Cherokee constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;....."

In accordance with said instructions, these applications were set down for re-hearing before the Commission on June 8, 1905, and due notice of said re-hearing was sent to all parties in interest.

On the date set for re-hearing, all parties applicant appeared either in person or by attorney, the Cherokee Nation appeared by attorney, and a re-hearing was had therein and the applications again taken under advisement by the Commission.

There is herewith transmitted the record in said cause, together with my opinion of this date, for further consideration by the Department.

In transmitting this record, I desire to submit my views on the questions of law and fact arising in the adjudication of said applications more fully than they are set forth in the judgment in this cause.

The following statement of facts is fully supported by the evidence in this case:

That Burrell, Miranda and Tom Daniels, principal applicants, and Nancy Newton, nee Daniels, deceased, through whom all the other applicants herein claim the right to enrollment as Cherokee freedmen, were, at the commencement of the Rebellion, the slaves of Cherokee citizens; that some time during the summer or fall of 1862, said Burrell, Miranda and Tom Daniels, and Nancy Newton, nee Daniels, deceased, were removed from the Cherokee Nation by one Joel M. Bryant, and, after the close of the rebellion were taken by the said Joel M. Bryant to Mexico, where they remained until some time during the early '70's, when they removed to San Antonio, Texas, and a number of years later removed from Texas to the Indian Territory.

The principal applicants herein allege that they were forced by Joel M. Bryant (after the rebellion) to make the trip to Mexico; that after arriving in Mexico, they were sold into peonage, and compelled to remain in that country six or seven years; that upon their release from

peonage in Mexico they removed to Texas, where, by reason of the condition of their finances, they were forced to remain a number of years, in order to earn money enough to pay their way to the Cherokee Nation, and that, since the close of the rebellion, it was ever their intention to return to said Nation as soon as circumstances would permit. These allegations are denied by the Cherokee Nation.

Under this showing attorneys for applicants contend that said applicants have complied with the provisions of Article IX of the Treaty of 1866, which, in part, provides:

> "That all freedmen who have been libertated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

Numerous letters and briefs have been filed in this case by the attorneys for applicants, in support of, among others, their contention above indicated. This office refers and calls particular attention to certain parts of said letters and briefs material to the question

now under discussion. In this connection is cited the frequent use, by attorneys for applicants, of the term "poor ignorant people" as designating claimants generally for freedman citizenship in the Cherokee Nation. Aside from the fact that ignorance does not excuse them from compliance with the law, this office advisedly says that the term is a misnomer, and, after several years experience with this class of applicants, it is convinced that they are as fully capable of protecting their own interests as are the Indian citizens of the Cherokee Nation. And the applicants in this case are anything but exceptions to their class.

Several reasons are advanced by their attorneys why said principal applicants should not be required to show that they returned to the Cherokee Nation, after the rebellion, within the time stipulated in said Article IX of the treaty of 1866, as interpreted in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., but, except the one below discussed, all have been disposed of by the Assistant Attorney-General, in his opinion above referred to.

After asserting that "A slave can have no domicile, inasmuch as he cannot possess one of the requisitions, namely, intention", that "A slave had no political rights; 92 U. S. 27", and that "Domicile is a political right", they argue as follows:

> "In the United States a slave was capable of committing crime, of receiving his freedom; of being the subject of homicide, and of modifying, by his volition, very materially, the rules applicable to other species of property. While, under the civil law, slaves were classed among things, and as such, a slave was not considered capable of violating the criminal or civil laws of the country, any more than other domestic animals.
>
> "The modifications placed upon the old civil law theory, were the results, largely, of statutory enactments, since genuine slavery was not known under the original common law. The villiens of the early English times were but feudal tenants of the lowest grade, and were but monuments of Danish tyranny."

From thisline of argument they draw the conclusion that:

> "On account of the above named conditions, a slave, emancipated in the United States, acquired the domicile of his owner by operation of la w, in the same manner that an infant acquired the domicile of its ancestor, by inheritance." Brief filed with the Department, December 12, 1904.
>
> And again, "When by act of the National Council in February, 1863, the shackles fell from all Cherokee

slaves, this petitioner became a Freedman, and acquired a right of domicile in some place. From the very nature of the circumstances he must have become vested with the same domicile as his master." Paragraph 1, page 20, Brief filed with the Department, May 6, 1905.

This office is free to admit its inability to follow the reasoning of the attorneys for the applicants, in the extracts from their briefs above set out, but the conclusion reached it can fully understand, and as they cite no authority to sustain their position, it is considered that their conclusion is subject to serious doubt, if not complete rebuttal.

Following the reasoning of attorneys for applicants in this case, the Assistant Attorney-General says:

"At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat. 801), the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion, Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands, went to Mexico, carrying Daniels with them, and sold him to Mexicans, where he was held in peonage until his return was effected by intervention of the United States." Page 6, Asst. Atty-Gen'l's Opinion.

"To that time Daniels had been able to do nothing,

and had done nothing, to change his legal domicile from the Nation. He had been forcibly and torticously deported by brigands, and sold into servitude. No rights could be lost thereby. In legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the Treaty. If upon being freed from physical restraint he returned to his home in the Nation within such time as was reasonably necessary, considering his means and circumstances, and the facilities for travel, he should be regarded as never having been absent from the Nation. If, on the other hand, he pursued such a course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the Nation and took up his residence at San Antonio." Page 8, Asst. Atty-Genl's. Opinion.

It is well settled that prior to the rebellion an African, whether slave or free, had no civil, social, or political rights or capacities whatsoever, except those conferred by statute." And, "every attempt to extend to a slave positive rights was an attempt to reconcile inherent contradictions, for, in the very nature of the case, he was subject to despotism. Law, as to him, was only a contract between his rulers;" Bryan v Watson, 20 Ga. 480; ex parte Boylston, 2 Strob. (S. Car.) 41; Dave v State, 22 Ala. 33; Oliver v State, 39 Miss. 527; Jacobs v State, 3 Humph. (Tenn.) 493;

Secretary--9.

Mason v State, 4 Humph. (Tenn.) 421. "He was mere property, and in the United States the right of property in a slave was recognized not only in the Constitution, but by every Department of the government, from its foundation to the commencement of the rebellion. The institution was regarded as beyond all cavil entitled to the benefits of all the provisions and guarantees for the protection of any other property". Prigg v Pen. 16 Pt.(U.S.) 539; Dred Scott v Sanford, 19 Howard (U.S.) 393; Neal v Farmer, 9 Ga. 555; Rodney's Will 4 Dana, (Ky.) 476; Corbin v Marsh 2 Dev. (Ky.) 195; Thornton v DeRoss 2 Sneed.& M. (Miss.) 303; Mandeville v Thurman, 22 Grat. (Va.) 466, 12 Am. Rep. 526.

In view of the foregoing it is quite apparent that any civil, social or political rights African slaves enjoyed in this country prior to the rebellion must have been conferred upon them by statute, and in the absence of any showing that by statutory enactment slaves were granted the right to acquire a domicile by inheritance, or otherwise, or that said domicile was to be that of their masters, it is not unreasonable to presume that such right did not exist, and

that to ascertain the domicile of a slave since freed the same rules of law are applicable as are applicable to any other free person.

Accepting, for the sake of argument, February 18, 1863, as the date upon which Murrell and Miranda Daniels obtained their freedom (which, however, is error, as at that time said principal applicants were without the jurisdiction of the Cherokee Nation, and, under the law and as a matter of fact, were not free prior to the close of the war), it is considered that any political rights now possessed by them must have been conferred upon them on or subsequent to said date, and as the right of domicile is a political right, their domicile at any time since being freed should be determined in accordance with the law applicable to persons sui juris.

In connection with the foregoing attention is respectfully called to the following authorities, which clearly define the requirements necessary for an adult to establish a legal domicile:

[illegible]

[illegible] 34 Am. Dec. 143.

"To acquire domicile there must be a residence in a place and an intention to make it your home". Miles v City of Waltham (157 Mass. 544), 34 Am. State Reports 311.

"Domicile can only be acquired by the fact of bodily presence, coupled with the requisite animus". Jacobs Law of Domicile, Sec 93, page 108.

"A new domicile is not acquired by mere intention to so acquire it, without the fact of an actual residence, nor is it acquired upon removal without the intention". Ringgold v Barley (5 Md. 186), 59 Am Dec. 107.

"Intention to reside must relate to the future, and not to the past, where it, combined with residence, is relied upon to establish a domicile". Gilman v Gilman, supra.

Numerous authorities to the same effect could be collected, but it is to considered that the foregoing citations are sufficient to show that two things must occur in order to establish a legal domicile: (1) Bodily presence; and, (2) An intention to make it the home of the party. If either

requisite be in doubt, or they are not coincident, no domicile is established.

Applying the law of domicile to the facts established by the evidence in the case now under consideration, it will be found that prior to 1896, if then, one or the other of these elements necessary to establish their domicile in the Cherokee Nation, had been lacking on the part of the applicants. Prior to February 18, 1896, when the principal applicants were bodily present in the Cherokee Nation, they had not the legal capacity to possess one of the requisites, namely, intention, and in so far as this office is able to discover after a diligent administrative research, there is no law, custom or judicial decision to the effect that this intention could have been supplied or supplied by any one for them.

Subsequent to said last above mentioned date, and prior to 1896, while they may have possessed, during all this time, the legal capacity to choose a domicile, the fact remains that they were not bodily present in the Cherokee Nation during said interval; consequently, said applicants

did so, and as a matter of law could not, establish a domicile in said nation until they were not only legally freedmen, but legally capable of intending to make that [illegible] their home, which regulation, as the evidence shows, was not complied prior to the year 1886. Hence, under the law, they did not comply with the provisions of Article IX of the treaty of 1866, relative to establishing a residence in the Cherokee Nation.

On May 22, 1894, the Assistant Attorney-General, in reply to certain questions submitted to him by the Attorneys for the Cherokee nation, held that:

> "The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given or created by the treaty. It is not in the nature of a condition precedent but essentially part of the facts out of which the right given arises. There is no right independent of the condition imposed. Such limitation affects all alike, competent or incompetent.
>
> "Residence is a word of varied meaning, incapable of accurate definition without reference to the context in which it appears. It is used with equal propriety in the sense of legal domicile, and in that of a temporary place of abode. The context shows that the object of the provision (Article IX treaty of 1866), was to give the status of citizenship in the Cherokee Nation to classes of persons who before did not have it, many of whom had lately been mere chattels. The purpose

> may be [illegible] persons of interior or no civil status to [illegible] and of legal [illegible] with the body [illegible]
>
> [illegible] as of evidence that physical return of the person within the [illegible] was prevented by the Dawes Act was not made [illegible] in these cases where a [illegible] in the Cherokee Nation has [illegible] or lost, and that the person might be excused from return by inability or like reasons to prevent loss of domicile by and not actually resident at the place of legal domicile". [illegible]

This ruling was followed by the Commission in numerous decisions since rendered, and it was ever its understanding that it was incumbent upon freedmen claimants to show that during the interval between the time of obtaining their freedom and February 11, 1887, they, or the ancestor through whom they claim their right, had established a legal domicile in the Cherokee Nation. The question of facilities for travel, financial conditions, distance applicant was removed from the Cherokee Nation, size of his family, and a great many other hindering causes that applicants may see plead, if the new ruling in this case is permitted to stand, here never gone into, but applicant's rights have ever been determined upon, among others, the simple proposition--Were you or those through whom you claim the right to enrollment as a Cherokee freedman, actually present in

the Cherokee Nation with the intention of establishing a residence therein, during the interval between the date of being freed and February 11, 1867? And it is but fair to the Cherokee Nation that this should be the extent of the inquiry along this line.

The Cherokee Nation is not responsible for the existence of conditions that prevented the freedmen from complying with the treaty stipulations of 1866; and, further, if freedmen claimants are permitted to plead the many reasons suggested by the new ruling in this case, as excuses for their non-compliance with said treaty stipulations, the Nation is at the mercy of the freedman applicant, for not only are the majority of these reasons matters peculiarly within the knowledge of the applicant, but, if alleged, as undoubtedly they will be, are at this la te date incapable of being rebutted.

Furthermore, this ruling, in effect, removes from Article IX of the Treaty of 1866, the time limit within which freedmen were required to establish their residence in the Cherokee Nation. If the said Act of February 18, 1863, ipso facto, made absent freedmen domiciled citizens of

the Cherokee Nation, what objection there be for investigating the question as to when freedmen applicants or their ancestors returned to the Cherokee nation and established their residence therein after the rebellion, when the only advantage to be obtained by complying with this provision was to secure a political right which, under the ruling in this case was already theirs?

Under this ruling the only question for investigation and determination would be: Has there been a forfeiture of the rights absolutely conferred by the treaty of 1866, upon those who were the slaves of Cherokee citizens, or free colored persons residing in the Cherokee country at the commencement of the rebellion, and their descendants?

It is for these reasons:

(1) The ruling of the Department is not in accordance with the law; and,

(2) To follow said ruling to its logical conclusion will necessitate the reopening of numerous cases heretofore passed upon by the Commission to the Five Civilized Tribes and the Department and the adoption of an entirely new construction of the la w applicable to Cherokee Freedman cases;

that this office respectfully requests that the ruling in this case be reconsidered and the former decisions of the Department in this class of cases be adhered to.

It is however, considered by this office that even though Burrell and Miranda Daniels and family were domiciled citizens of the Cherokee Nation on or prior to February 11, 1867, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, and in this connection attention is called to the following points in this case.

The evidence in this case does not show that Joel M. Bryant refused to turn in his equipage at the close of the rebellion; or that he was at the head of an "insurgent band" or that he or any one of his company, ever stole a bovine in their lives; neither does the evidence show that either or any of them compelled any red, white or black man, woman or child, to accompany them to Mexico, in 1865, or at any other time. All such allegations are based upon the unsupported and uncorroborated testimony of Burrell Daniels.

In re testimony of Burrell Daniels: This applicant seems to have had a wonderful knowledge of his former

master's business- at a time too, when he would have it believed that his ex-master was engaged in a transaction that required secrecy. He is perfectly familiar with the motive that prompted Joel Bryant to go to Mexico, and testifies positively that Col. Bryant sent certain members of his party, giving their names, from West Texas to East Texas to steal cattle; and that after a short absence they returned with 1500 head, which they took across into Mexico. He further testifies that he never could read or write, but that he, with others, was compelled at the point of a gun, to enter into a contract whereby they agreed to pay Col. Bryant for their transportation from Texas to Mexico. All of which is denied, and the contrary alleged by two witnesses for the Cherokee Nation, who were members of Col. Bryant's party from Texas to Mexico in 1865.

Attention is further called to the testimony of Burrell Daniels rela tive to his return from Mexico to Texas: On his first appearance before the Commission he testified that he and his family were released from peonage in Mexico through the intervention of President Grant, and that they

were brought from Chihuahua to the Rio Grande by soldiers sent into Mexico to effect their release; that the soldiers paid him $20.00 for services rendered during the trip, and that he and his family immediately thereafter started for San Antonio. On his last appearance before the Commission he omitted the soldier feature of his release and return, and testified that he effected the release of himself and family in Mexico, by laboring until the amount for which he was held was satisfied; that he, leaving his family at Chihuahua, together with Mr. Brown, a lumberman, followed a train of wagons from Chihuahua to the Rio Grande river, where he worked in a mill for ten months, during which time he sent money to his family in Mexico for their support; that finally, he arranged with a man in charge of a Mexican wagon train to bring his family to him, the consideration being $15.00, and that after their arrival, he and his family remained on the Rio Grande river for a while, or until he arranged with the boss of another wagon train to transport himself and family to San Antonio, and that, on their arrival at the latter place, instead of charging him anything for transportation, the man in charge of the train paid him $10.00, for services rendered during the trip.

In view of the many unreasonable and improbable assertions made by the applicant, Burrell Daniels, relative to matters that he could have known only by hearsay, or by drafts upon a rather vivid imagination, of which he seems possessed, in connection with the many contradictory statements made by him, it is considered that his testimony is of little value in ascertaining the facts at issue in his case, and that his acts, in connection with certain facts known to this office, will better serve as a guide in determining whether or not it was his intention, after the rebellion, to return to the Cherokee Nation as soon as circumstances would permit.

Burrell Daniels testifies that he knew nothing of the treaty of 1866 prior to his removal to the Cherokee Nation in 1884, hence, it cannot be inferred that during the interval between July 19, 1866, and the date of his removal to said Nation it wasever his intention to comply with its provisions.

The testimony of Burrell Daniels as to dates and places of birth of his children, records of their marriages, and other attendant circumstances, shows that he and his family

lived at least twelve years in Texas; but, after the most thorough examination, this applicant will account for but five and one-half years spent in that state, which, on its face shows an inclination to keep back facts that would tend to show whether or not he intended to make Texas his home.

It is urged by the attorneys for applicants as a reason for Daniels and his family's failure to return to the Cherokee Nation at an earlier date, that their stay in Texas was at a time when no railroads had penetrated those regions (Weimar and San Antonio, Texas), or afforded facilities for travel. This is but a quotation from the Assistant Attorney-General's opinion rendered on May 9, 1905, wherein he says:

> "He (Burrell Daniels) was not returned, however to his home in the Nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated those regions or afforded facilities for travel".

It is a matter of public knowledge that the Missouri, Kansas and Texas railway was built through the Indian Territory to Denison, Texas, during the years 1871 and 1872, and

it is known to this office that this line passes through the Cherokee Nation within ten miles of Burrell Daniels' old home on Grand River.

"In 1850, General Sidney Sherman organized, in Boston, Mass. a company for the building of a railroad in Texas. In 1852 the Buffalo Bayou, Brazos & Colorado road was begun, and the shrill whistle of the engine was heard at Harrisburg. The road, in 1859 had reached the Colorado river, only sixty-five miles from its starting point. This was the beginning of the great line now known as the 'Sunset Route' (Southern Pacific)". A new History of Texas, Revised Ed. page 332. (This is the railroad on which Burrell Daniels and his family traveled from San Antonio to Weimar, shortly after their removal from Mexico to Texas).

"In 1848 a charter was granted to the Houston & Texas Central; work was not begun till 1853, and in 1861 not more than eighty miles had been completed. Twelve years later the road reached Denison and became a mighty thoroughfare of traffic.

"Even as late as 1867 the railroads in Texas were few in number and limited in extent, the total mileage amounting to not more than four hundred miles. From 1873 to 1890 there was a wonderful increase; roads sprang up in all directions, new sections were opened and rapidly settled, everywhere the iron horse carried civilization, comfort and luxuries." Ib.

Thus it will be seen that as early as 1873 there was a direct all-rail route from that part of Texas (Weimar and San Antonio), where the Daniels's were located, to within

a few miles of their old home in the Cherokee Nation. This, it is believed, fully settles any question as to the railroad facilities between the Cherokee Nation and San Antonio, Texas, and successfully rebuts any allegations to the effect that such facilities were inadequate.

It is contended in behalf of applicants, that while paniels and his family were living in Texas, they were the "victims of the vicious system of share-farming" and that this must be considered as one of the attendant circumstances which prevented them from returning to the Cherokee Nation at an earlier date. Murrell paniels testified that he raised four crops in Texas. The first year he came out in debt. The second year he left the place after the crop was put in. The third year he came out even, and the fourth year he made enough out of the crop to pay up "all our debts and everything and we had enough money to come to Muskogee." This is the extent of their farming in Texas, so far as the record shows, and it does not indicate that they were the victims, for any length of time, at least, of the

so-called "vicious system of share-farming", alleged to be at that time prevalent throughout the south.

Another feature established by the evidence in this case, and worthy of comment, is this: The testimony of Burrell Daniels shows that starting from Chihuahua, Mexico, with no financial means, and traveling only by wagon train, the distance between Chihuahua and San Antonio, Texas, 520 miles, was covered by himself and family within a few months, but to cover the distance between San Antonio, Texas, and Muskogee, Indian Territory, 568 miles overland, or 703 miles by rail, required twelve years for himself and a part of his family to make the trip, and for other members of his family it required twenty-four years to reach the Cherokee Nation.

Attention is also called to the fact that the evidence in this case shows that Burrell Daniels and those who returned with him to the Territory after the rebellion, did not settle in the Cherokee Nation, but rather in the Creek Nation, where, as indicated by the Wallace Roll (1889), Cherokee Census Roll of 1893, and Kern-Clifton Roll (1896), they resided continuously for twleve or thirteen years.

The foregoing it is respectfully recommended shows conclusively that neither Burrell Daniels, nor any member of

his family returned to the Cherokee Nation after the rebellion as soon as circumstances would permit, but rather that the return of part of this family to the Indian Territory nineteen years after the close of the rebellion and the return of other members of said family thirty-two years after the war, was due to some cause other than a desire or an intention to save or acquire any citizenship rights in the Cherokee Nation.

This cause is discussed thus in detail because of its great importance to the work of enrollment of the Cherokee Freedmen. This work is at the present time almost completed. It has been attended by many difficulties caused principally by the reason that the facts to be established occurred thirty-five or more years ago, which lapse of time necessarily dims and clouds the memory of the witnesses.

The great bulk of this work was done under precedents and an interpretation of the law entirely at variance with the opinion of the Assistant Attorney-General of May 9, 1905, rendered in this cause, and the confusion which would result from a change at this late date cannot be overestimated.

Already many motions to reopen and reconsider in the light of this ruling cases long since closed, have been

filed and many other applicants are only waiting for final decision in this case along the lines laid down in the opinion of the Assistant Attorney-General, supra., to pray for a reconsideration in their cases.

It is therefore respectfully recommended that this matter be again carefully considered in the light of the views herein set forth and that my decision in this case, herewith transmitted, be affirmed.

Respectfully,

(signed) Tams Bixby.

Commissioner.

Through the

Commissioner of Indian Affairs.

Incl. R 90
LMB

Cherokee Freedmen

R-40, et al.

COPY.

Muskogee, Indian Territory, September 26, 1905.

Blue & Bulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 2[illegible], 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED

Commissioner.

LS
Incl. S-48
Register

Cherokee Freedmen

R-40, et al.

COPY.

Muskogee, Indian Territory, September 26, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Commissioner.

LS
Incl. S-49

Cherokee Freedmen.

COPY.

R-393.

Muskogee, Indian Territory, September 26, 1905.

Lizzie Haynes,

Talala, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself and minor children as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 26, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby.

Commissioner.

LS
Incl. S-44
Register

Muskogee, Indian Territory, [illegible]

Lizzie Haynes,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself and minor children as Cherokee freedmen. There has heretofore been furnished your attorneys, Pluck & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby,
Commissioner.

L9
Incl. H-44
Register

Muskogee, Indian Territory, October 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On September 25, 1905, there was transmitted to the Department the record of proceedings had in the consolidated case of Burrell Daniels, et al., Cherokee Freedman R 40, et al., wherein, in its decision rendered on said date, this office found that the said Burrell Daniels, et al., possessed no rights to Cherokee freedmen citizenship. Said letter set forth the views of this office relative to the law applicable in determining the rights of said applicants to enrollment as Cherokee freedmen.

I now have the honor to direct your attention to certain proceedings had before the Court of Claims, in the case of Charles Journeycake, et al., v. the Cherokee Nation, et al., 31 C. of Cls. 40, and which are considered pertinent to the position taken by this office, and material in de-

termining the rights to Cherokee citizenship of the above indicated applicants.

CHARLES JOURNEYCAKE, PRINCIPAL CHIEF, v. THE CHEROKEE NATION ET AL.
JOHNSON BLACKFEATHER, PRINCIPAL CHIEF, v. THE SAME
MOSES WHITMIRE, TRUSTEE, v. THE SAME.
(Nos. 16837, 16857, 17209. Decided January 27, 1896)."

"On complainant's Motions."

.. ..

"V. The treaty with the Cherokee Nation, 19th July, 1866 (14 Stat. L., p. 799, Art. IX), provides that the freedmen of the Nation who 'are now residents therein , or who may return within six months, and their descendants' shall be entitled to dwell and occupy land in the Cherokee country. This was intended for the protection of the Cherokee Nation. That is to say, freedmen and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

The Reporters' statement of the case:

"The grounds upon which the motions were based will be found set forth in the opinion of the court. After the decision upon these motions had been announced, the counsel for the complainants in the freedmen's case requested that certain instructions be given to the Secretary of the Interior in regard to the payment of the fund. These the court referred to the Secretary for his consideration. Subsequently the court was informed that the Commissioner of Indian Affairs desired the instructions of the court as to how he should proceed under the decree in determining who were the resident freedmen entitled to share in the distribution of the fund. The court accordingly addressed to him the communication of February 18, 1896, which follows the opinion."....

"Court of Claims,
Washington, February 18, 1896.

Hon. Daniel M. Browning,
Commissioner of Indian Affairs.

Sir: The court is informed that the Commissioner of Indian Affairs desires its opinion in regard to the fifth of the proposed instructions referred for the consideration of the Secretary of the Interior February 18, 1896.

"The decree in this case follows and refers to Article IX of the treaty with the Cherokee Nation, July 19, 1866, and the persons therein designated are the complainants in this case, entitled to payment under the decree."

Syllabus.

"The court is of the opinion that the clauses in that article in these words, 'And are now residents therein, or who may return within six months, and their descendants,' were intended, for the protection of the Cherokee Nation, as a limitation upon the number of persons who might avail themselves of the provisions of the treaty; and consequently that they refer to both the freedmen and the free colored persons previously named in the article. That is to say, freedmen and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

"The court is also of the opinion that this period of six months extends from the date of the promulgation of the treaty, August 11, 1866, and consequently did not expire until February 11, 1867."

"Wm. A. Richardson,
"Chief Justice."

The foregoing is a part of the proceedings had in the case of Moses Whitmire, Trustee, etc., v. the Cherokee Nation et al., and is the interpretation of the Court

of Claims placed upon its decree in said Whitmire case, rendered on February 3, 1896, hence, in legal effect, is a part of said decree.

Paragraph II, Section 21, of an Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

> "It (the Commission) shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

Said Paragrap h II, above quoted, is the jurisdictional act under which this office is making a roll of Cherokee freedmen, and it is respectfully submitted that in view of the foregoing, neither this office nor the Department, has authority to grant the application for the enrollment as a Cherokee Freedman of any one who can not show that he , or , in case of one who claims as a descendant, that the ancestor through whom he obtains his right to Cherokee Freedman citizenship, was actually residing in the Cherokee Nation on August 11, 1866, or established a residence in said Nation within six months thereafter.

It is respectfully requested that the letter be

made supplemental to, and considered as a part of the record in, the proceedings had in the case of Burrell Daniels, et al., applicants for enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.
WASHINGTON.

(COPY)
WCP

118-19 06.
I.T.D.

February 27, 1907

The Secretary

of the Interior,

Sir:

You referred the papers relating to the application of Burrell Daniels et al., for enrollment as Cherokee freedmen, for opinion concerning questions of law presented by the Commissioner to the Five Civilized Tribes.

This case has been under consideration at various times and in opinion of May 9, 1905, it was recommended that the decision of the Commission to the Five Civilized Tribes, adverse to applicants, be vacated, "and the case readjudicated under the removal or expatraition provisionof the Cherokee constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation." The case was returned to the Commissioner of the Five Civilized Tribes and further hearing was had. The facts developed are substantially that Daniels and other negroes, formerly slaves of Cherokees, at about the close of the civil war were taken out of the Cherokee Nation and to Mexico where they were held under the peonage law of that country until about 1872 when they were returned to this country. Daniels

remained at San Antonio and other places in Texas until about 1884 when he returned to the Indian Territory. He claims that he was not before that time able to save enough to carry him to his former home although it was always his desire and intention to so return. Upon his return he stopped at Muskogee in the Creek Nation and the date when he actually entered the Cherokee territory is not clearly shown.

The Commissioner of the Five Civilized Tribes held that Daniels was not entitled to enrollment. The Indian Office was of opinion that Daniels and others with him did not use diligence in returning to Indian Territory and are not entitled to enrollment:

The act of April 26, 1906 (34 Stat., 137) provides:

The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six; or who actually returned and established such residence in the Cherokee Nation on or before February eleventh eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes, or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.

Upon the theory that Daniels' departure from the Cherokee Nation was not voluntary it might be held that notwithstanding his removal he still held a legal residence in the Nation. Evidently, something more than constructive legal resi-

dence was contemplated by the act of 1906. It had previously been held that one who had a constructive residence in the Nation, August 11, 1866, was within the terms of the treaty of July 19, 1866 (14 Stat. 801), which provided that freedmen and free colored persons "who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees." If it had been intended that this ruling should continue to control there would have been no necessity for further legislation on the subject. The only possible conclusion is that it was intended by the Act of 1906 to change existing law as construed and to provide some different and stricter rule to guide in the enrollment of Cherokee freedmen. Evidently, it was intended to require something more than constructive residence. Under the new rule one, to entitle himself to enrollment as a Cherokee freedman, must show that he was actually not constructively residing in the nation August 11, 1866, or that he returned and established in person an actual residence within six months from that date or that he is a descendant of some person who had met these requirements. When this rule is applied to the applicants it seems clear that they can not be enrolled in spite of any equities they may have in the premises.

Nor are they saved by the qualifying clause. While they have met the condition of having made application they have

not been adjudged entitled to enrollment by the Secretary of the Interior.

I am of opinion, and so advise you, that the provision of the act approved April 26, 1906 prevents the enrollment of these applicants.

The papers are herewith.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved:

February 27, 1907,

E. A. Hitchcock,

Secretary.

I.T.D.5464-1907 COPY SPECIAL RJW J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

VRS

DIRECT.

February 28, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of February 27, 1907 approved the same day, in the matter of the application of Burrell Daniels et al., for enrollment as Cherokee freedmen.

In accordance with said opinion the application is denied.

The papers in the case have been transmitted to the Indian Office, with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 11 incs.

for Ind. Off.

A P We

3-1-07

Cherokee E.
R 302.

COPY

Muskogee, Indian Territory, March 15, 1907.

Lizzie Haynes,
Talala, Indian Territory.

Dear Madam:

You are hereby advised that the application for the enrollment of yourself and children as Cherokee freedmen, was denied, among others, by the Secretary of the Interior, February 25, 1907.

Respectfully,

SIGNED Tams Bixby
Commissioner.

JMH

COPY

Cherokee F.
R 48 et al.

Muskogee, Indian Territory, March 13, 1907.

William M. Graves,
Attorney for Burrell Daniels, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Department decision referred to.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Encl. R-48
JMK

Cherokee F.
R 40, et al.

COPY

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED [illegible]

Commissioner.

Encl.H-26
JMH

See Chem. Fr. [illegible], [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 25 1901
I.T.

in the possession of the Commission. [illegible]
Robert is found on the Kahs-Chifton roll of [illegible]
are all duly identified, but from the facts stated in the
testimony his application for enrollment as a Cherokee Freedman and that of his wife and son will be refused and they will be rejected.

Chas. von Weise, being sworn states that as a stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings and in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Signed, Chas. von Weise,

Subscribed and sworn to before me this the 20th of August, 1901, at Fort Gibson, I.T.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.

Commissioner.

File with Cherokee Freedman, D 917, Mary Hill

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 10th. 1901.

In the matter of the application of Burrel Daniels for the enrollment of himself and wife and one child as Cherokee Freedmen; He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Burrle Daniels.
Q What is your age? A About 70.
Q What is your postoffice address? A Talala.
Q What District do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized as a Cherokee Freedman by the Cherokee authorities? A (No response)
Q Is your name on any of the Cherokee rolls? A Yes sir.
Q Who is it that you desire to have enrolled besides yourself?
A My wife, and children.
Q What is your wifes name? A Mara da.
Q How many children have you under twentyone? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 20.
Q About how old is your wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No sir, but it is on the Wallace roll and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand river west of Vinita.
Q Were you a slave? A Yes sir.
Q What was your owners name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes sir.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q When did you return from the Choctaw Nation to the Cherokee Nation
A They taken a bunch of us and went to Merico.
Q How long did you stay there? A Five or six years, in Merico on a ranche and one year with a Jew from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I dont know how long, I was working my way back from place to place, didnt have any means of getting back and had yo work my way.
Q When did you get back to the Cherokee Nation? A I dont remember exactly the date, but I got back here when Mr. Bushyhead was chief. I got back when Cherokee Council was in session and Iapplied to the council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Buss Ivy and some others took it up and it passed all the council excepting the full bloods and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the Council excepting the full bloods and they did not wait for them and Council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Nation.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes sir.
Q Did she come back with you? A Yes sir.

Q Where was Robert born? A He was born in San Antonio.

Q How old was he when he came to the Cherokee Nation? A Don't know exactly. He was just a little bit of a kid though.

Q You he been you all the time? A Yes sir.

Q And he came back with you? A Yes sir.

Examined by Mr. Smith, attorney for applicant, continued examination:

Q Please tell how you happened to be taken to Texas at the close of the war instead of coming back to the Cherokee Nation?

A Well it was just this way: When the war ended we were taken down to come back here, General Cooper ordered Col. Bryant to have us all his slaves and he refused to do it and he then [illegible] a bunch of negro people and started south with them and we got to Texas and we were camped on the plains and [illegible] us a [illegible] about fifteen hundred head of cattle and went on to the Rio Grande river, and before we crossed over into Mexico he made us all [illegible] into line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves were not free did not own their old masters anything. But he drawed it up in writing and made us all sign it and then we went into Mexico and there the Mexican government didn't have any law as old "Maximillian" was in power then, and they had a law called the Peon law and the peoned me out to a Mexican. The Mexican governor ———— gave $113.00 for me and I worked for him on a ranch for several years until a Jew fellow who had come from New York came around there and said that his wife was used to colored people and wanted me for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him and he was living in Chihauhau and I was taken there and cooked for him for a year. The Governor of Chihauhau who was named Don Terrazo was the man who had me peoned and the Jew paid us out from him. They taken us to Chihauhau the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. B want and there was some people there who taken our part and put it into court and we staid in court a week but the Mexicans had no law there anymore as old "Maximillian" was there and in power and they said that if we had been there cooked that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and then Gen. Grant sent them two officers down there in regard to relieving us and they took us away and they went from Chihauhau to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would shoe so many mules for them and when they got to a certain place across the Rio Grande called ———— they left us and I went on to San Antonio. When the troops left us I asked them how much owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed me $20.00 and then I went on to San Antonio with my family.

Q And the officers brought you into Texas and turned you loose and you went on to San Antonio? A Yes sir.

Q And you say you worked in San Antonio several years before coming on to the Cherokee Nations? A Yes sir.

Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work your way to the Cherokee Nation? A Yes sir, I was taken down there by Col. Bryant and peoned out to Don Lewis Terrazo the Governor of Chihauhau.

-3-

Q And that is the reason that you did not come back to the Territory
A Yes sir.
Q Were you a slave during the war, or before the war? A Yes sir, I was before the war, and during the war was a teamster and cook in the Confederate Army.
Q So it was some years after the surrender that you got back to the Indian Territory? A Yes sir! I found my mother here on the river when I got back. I came back when Bushyhead was chief.

By W. W. Hastings, Cherokee Representative:

Q About what year was it that you came from Mexico to San Antonio?
A I dont know
Q You stated that you staid in San Antonio several years? A Yes sir
Q How many? A Five or six, years on a ranch in Mexico.
Q Then you were in Mexico after the war for five or six years?
A Yes sir.
Q I believe that you testified that you came back to the Cherokee Nation when Mr. Bushyhead was chief? A Yes sir.
Q Then for five or six years after the war you were in Mexico and that you went to Texas and staid there several years before coming on back here? A Yes sir I worked in San Antonio several years before I came back here.

By Edgar Smith:

Q State more fully at what time you were taken to Mexico and by whom that was done. A When we got there in Mexico he (Q Who) A Col. Bryan) was camped about a mile from the city of Chihauhau and was selling off the colored people to pay what he said we owed him. He was little girls go for $30.00 each and when I saw it I walked away and went into the city and he had my arrested and there were some people there who taken out part and took it into court and we staid in court about a week, and at that time old "Maximillian" and his French was in power and the Meixcan Government had no laws and they pocked us all out to pay that claim and the Governor of the State of Chihauhau said that he would pay $113.00 for me and he paid it to him. (Q Who paid it to who? A The Mexican governor to Col. Bryan) Col. Bryant said that me and my family owed him $500.00 and the Governor of Chihauhau paid him $113.00 and we worked on his ranch.
Q Did you owe him anything? A No a cent.
Q But you were sold to the Mexican Governor for $113.00 and worked for him on his reach? A Yes sir.
Q How long did you work on that ranch? A Five or six years.
Q You say Gen Grant took you out? A Yes sir sent two officers to take us out.
Q How much money did you have when you left Mexico? A Didnt have any.
Q Why didnt you come back to the Indian Territory right away after you left Mexico? A Well I got to San Antonio and had to work there to get on as I did not have any money and had a large family.

By Commissioner Needles:

Q How long did you stay in Texas? A Dont know how long, worked in San Antonio several years.

The Kerns-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified therein as follows:
Page 181, No. 4453, Burrell Daniels, Creek Nation.
Page 181, No. 4450, Robert Daniels, Creek Nation.

By Com'r Needles: The name of Burrel Daniels is not found on the authenticated roll of 1880 or the Dawes roll of 1896, but his name is on the Kerns-Clifton pay roll of 1894; the name of his wife Maranda is not found on any of the rolls

in the possession of the Commission. The name of his son, Robert is found on the Kelsey-Clifton roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment as a Cherokee Freedman and that of his wife and son, will be refused and they will be rejected.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings and in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 10th of April, 1901, at Fort Gibson, I.T.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.

Commissioner.

A Yes, sir; he took us to M[illegible]

Q Took Andrew to M[illegible] sir, and he married the same year I was working on my way to [illegible]

Q He married in Texas? A Yes, sir.

Q And after he married he came back to the Nation? A Yes, sir.

Mr. Hastings: You lived six or seven years in Mexico? A Yes, sir.

Q [illegible] you among them? A Yes, sir.

Q That was six years or seven years after the war? A Yes, sir.

Q Then you came back here you saw after Mr. Bushyhead was elected chief the second time; that was after '83? A I came back from Mexico to San Antonio and worked there a while and I moved from there and came to Fayette County and worked there a while.

Mr. Hastings: Mr. Smith, can we agree that Mr. Bushyhead was elected chief the second time begin ing the first monday in November, 1884; that is a historical fac ?

Mr. Smith: Yes, I will agree to that.

Mr. Hastings: You lived five or six years in Mexico?

A Yes, sir.

And the rest of the time you were working your way back here?

A Yes, sir.

Commissioner: What did you stay so long in Mexico for?

A He taken us to Mexico and pesned us.

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 9th of July, 1901.

(Signed) T. B. Needles,
Commissioner.

To be filed with case of Mary Hill, C. F. D. #2917.

Department of the Interior,
Commission to the Five Civilized Tribes,
No. Muskogee, I. T., June 25, 1906.

In the matter of the application of Andrew Daniels for the enrollment of himself and nine children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Andrew Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andrew Daniels.
Q How old are you? A I don't know, about 37 I guess.
Q What is your post office address? A Ramona.
Q Indian Territory? A Yes, sir.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and nine children.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Dora Daniels.
Q Is she a citizen? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Is it on the roll of 1880? A I think it is, yes, sir.
Q What is your father's name? A Burrell Daniels.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Miranda Daniels.
Q Is she living? A Yes, sir.
Q Have you got nine children under age and not married? A Yes, sir.
Q Give me the name of your oldest child? A Willie.
Q How old is he? A I guess he is about 18.
Q The next one? A Lewis.
Q How old is Lewis? A I just can't tell you exactly, there is about a years difference in between them.
Q Then Lewis must be 17? A Yes, sir.
Q The name of he next one? A Susie.
Q Susie then would be 16, would she? A No, sir, there was one between Lewis and Willie, and she is dead.
Q That would make Lewis then 16? A Yes, sir.
Q Then Susie would be 15, if she comes next to Lewis? A Yes, sir, but that is alittle too old for her I think.
Q How old is she? A I think she is about 13 or 14.
Q Well, what is the name of the next one? A Thomas.
Q How old is Thomas? A He must be about ten I guess.
Q The next one? A Burley.
Q How old is he? A He must be, I don't know exactly just about how old, about 6 or 8 I think.
Q What is the name of the next one? A Essie though is older than Burley.
Q How old is she? A She must be about eight or nine, and then Burley comes in next.
Q Who is after Burley? A Minnie.
Q How old is Minnie? A She must be about 5 I guess.
Q Well, the next one? A Miranda.
Q How old is Miranda? A She is a little over 2 years old I think/
Q What is the next one? A Ruth.
Q How old is Ruth? A She isn't quite a year old yet; I ~~think~~ am not on the 1880 roll, I am on the other two rolls.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee freedmen examined and the applicants not identified thereon.
The Kern-Clifton roll examined and the applicants identified as follows:
Andrew Daniels on page 181, No. 4446, Cooweescoowee district.
Willie Daniels on page 181, No.4447, Cooweescoowee district
Lewis Daniels on page 181, No.4448, Cooweescoowee district, as Louis Daniels;
Susie Daniels on page 181, No.4450, Cooweescoowee district;
Thomas Daniels, on page 181, No.4449, Cooweescoowee district as Tom Daniels;
Nesie Daniels on page 181, No.4451, Cooweescoowee district;
Burley Daniels not on Kern-Clifton roll.
Minnie Daniels on page 181, No.4452, Cooweescoowee district

Q What is the matter with Burley; Burley is older than Minnie?
A I don't think he is on the roll though.
Q Why not? A He didn't get on there, they didn't enroll him.
Q Have you got any witnesses here? A My daddy.
Q Has your daddy been enrolled? A Yes, sir.

Burrell Daniels, being duly sworn by Commissioner Needles, testified as follows: Mr. Smith:
Q State your name. A My name is Burrell Daniels.
Q How old are you? A I expect I am nearly 70.
Q Where do you live? A Out west of Talala on Caney river.
Q How long have you been living in the Cherokee Nation? A I have lived in the Cherokee Nation all my life time until I went to Mexico; I have been back, though, ever since Mr/ Bushyhead was chief.
Q Ever since Mr. Bushyhead was chief? A Yes, sir.
Q Do you know this applicant here, Andy Daniels, here first on the stand? A He is my son.
Q How old is he? A I don't know exactly, he was born just about a year before the war ended.
Q Where was he born? A He was born down here close to Doaksville in the Choctaw Nation.
Q Were you a slave then? A Yes, sir.
Q Who did you belong to? A I belonged to Robert Daniel, first belonged to Miss Susie Taylor, living in Tahlequah, and she gave me to her daughter.
Q Who was her daughter? A Annie Daniels, she died in Vinita here time of the Lightning creek payment.
Q Who was your owner at the time the war commenced? A She was my owner; when the was commenced why she had me with one of her sisters that lives in Tahlequah now, Mrs. Thompson, exchanged me for a boy named Will, I belonged to Mrs. Thompson a while after the war commenced.
Q Well Burrell, about what time, about how long had you been in the Choctaw Nation when this boy Andrew was born? A Well, we had been down there I reckon not quite a year, but I was with the army, backwards and forwards, in the Nation here and then out.
Q He was born in the Choctaw Nation a year after you left the Cherokee Nation? A Yes, sir.
Q Who took you out of the Cherokee Nation? A They put us with Mr. Bryant's outfit.
Q How many children did you have at the time you were in the Choctaw Nation at the time you were in the Choctaw Nation when this boy Andrew was born? A I had Lewis, Abram, Sarah and Tom.
Q Have a wife there then? A Yes, sir.
Q What was her name? A Miranda Daniels.
Q Was she a slave too? A She was a slave of Zeke Daniels.
Q Was he a Cherokee citizen? A yes, sir, my old Boss brother.
Q Was Joel Bryant a Cherokee? A He was a white man but he had a

Cherokee wife.
Q Well now, from the Choctaw Nation, how did you get into Mexico?
A Mr. Bryant carried a number of us out there, a drove of us.
Q How big a drive did he have? A I reckon he had, must have had about forty or fifty of us, little and big.
Q Was this boy taken down to Mexico at the time you were?
A Yes, sir.
Q What other members of your family, if any, were taken down there?
A Taken my oldest son Lewis, and a boy named Abram, a girl, out of the Choctaw Nation, named Sarah, taken Lewis and Abram and this boy was a baby.
Q Well, how long did you stay in Mexico? A I must have stayed there I was working on a Mexican r nch about five or six years till they relieved me down there, I stayed on t he ranch yonder about five years, and come a merchant from Santa Fe named Mr. Amverg.
Q You were penned down there in Mexico were you? A Yes, sir.
Q How old was this boy Andrew when you returned to the Cherokee Nation? A I reckon he was about five or six years when I returned back to San Antonio, six or seven.
Q Then how long did it take you to make your way back to the Cherokee Nationafter you c ame to San Antonio? A I was several years on my way, I worked a year or two in San Antonio and then I came up to Fayette county and stayed there.
Q Do you know what year it was when you c ame back to the Cherokee Nation? A No, sir, I guess I could find out at Tahlequah when I come back; when I come back Council was up there and I worked on Arkansas river till Council commenced again.
Q That was when Mr. Bushyhead was Chief? A Yes, sir, and when Council commenced agai n I went and reported at the General Council.
Q About how old then was this boy when you came back to the Cherokee Nation at the time Bushyhead was chief? A I don't know, I can't tell you exactly how old he was, he was a young man I reckon when he came back here.
Q Well, can you tell us about how many years since you came back to the Cherokee Nation, can you count back that way and t ell?
A It must have been something over twenty years ago?
Q And you say the by was born after the war commenced? A No, sir, he was born just before the war ended.
Q You took him down to the Choctaw Nation? A Yes, sir.
Q He was born down there bofere the war ended? A Yes, sir, just a year before it ended.
Q And you came back and the boy c ame b ck about twenty years ago?
A Yes, sir, I think it must have been twenty years ago, I canfind out by going to Tahlequah.
Q What other children did you bring back with you twenty years ago, or whatever time it was? A I brought Robert and Lizzie and one named Mack.
Q What is Lizzie's name now? A She is married, she is named Lizzie Haines, and one of my daughters died before I got back, and left two grandchildren, and they went by the name of Mary Eaton and Lizzie Eaton, but one goes by the name of Mary Hill and Lizzie Shafer.
Q They were your children, members of your family, w hen you brough them back here at the same time you brought Andy? A Yes, sir, when I brought them little children back here they were just little kids, they have growed up here since they c ame back.
Q Which ones do you mean by those little children?
A These here girls t hat are married now.
Mr. Hastings: Where was Andy married? A He was married just down here the other side of Hempster, near Wimer, Texas.
Q His wife was stat e raised? A Yes, sir.
Q Where was his first chi ld born? A Born here in the Nation.
Q Willie? A Yes, sir.
Q Willie was born in the Nation? A Yes, sir, born down here on

the Arkansas river at Mrs. Nivens.
Q Had Mr. Bushyhead been re-elected them, been elected the second time as cheif, when you came? A I think he was, I think he was I will not be certain.
Q About how long did you stay in Mexico, about how many years?
A I must hage stayed in Mexico about six or seven, I worked on a ranch about five or six years.
Q Then after leaving Mexico you came back to Texas? A After leaving Mexico, the Government fetched us back to Texas.
Q You remained in Texas from that time until you came up here?
A Yes, sir, just one place and another on the way as I was coming.
Q But you remained in Texas the rest of your time? A Until I came up here; It raveled as far as I could.
Q That was between six and seven or eight or nine years you remained in Texas after leaving Mexico, before you reached the Territory, after the war? A Yes, sir, I stayed in Texas in places, I traveled around and then stopped maybe a year or two.
Commissioner: How old was Andy when you brought him back here?
A Andy was I reckon about 14 or 16 years old, he married when he was noth ng but a boy.
Q When you brought him back to the Cherokee Nation?
A Yes, sir.
Q He married in Texas and he was nothing but a boy?
A He must have been over 14 years old? A The people down there were talking about having him took up for that marriage, he was nothing but a boy.
Q Married his present wife? A Yes, sir.
Q How long did he stay in Texas after he married? A He married along in the summer of spring and he came here in the fall.
Q Been here ever since? A Yes, sir.
Q You think he wasn't over 16 ot 18 years old? A I don't know as he was 18 years old, he was a boy because I know they were trying to get the one that married him took up for marrying him.
Q How old is he now? A I don't know sir exactly how old he is; his age is on them roll.
Q Who was Andrew's mother? A My wife, what used to belong to the same set of people I belonged to.
Q Did she come back with you? A Yes, sir, she is at home now.
Q You and her come back together? A Yes, sir.
Q Andrew's mother was a slave? A Yes, sir, slave of Zeke Daniels.
Q Was she with you all the time you were emigrating around through Texas and Mexico? A Yes, sir, she was the slave of Zeke Daniels and before the war ended she got to be the slave of Mrs. Thompson, at Tahlequah now.
Q Andrew is your oldest child A No, sir, I have one named Tom.
Q Older than Andrew? A Yes, sir.
Q Where was Tom born ? A Tom was born here in the Cherokee Nation on Grand river east of Vinita, before the war.
Q Is he living? A Yes, sir, he is here in the Nation.
Mr. Smith: Did I ask you, Burrell, when you testified in your own case about why you didn't come back to the Cherokee Nation sooner after they left you at San Antonio? A Yes, sir.

ANDREW DANIELS, recalled, testified: Commissioner:
Q Are all the children for whom you apply living at this time?
A Yes, sir.
Q Were all of them born in the Cherokee Nation? A No, not all of them.
Q Where was Willie born? A He was born in the Cherokee Nation.
Q Where was Le is born? A I think I was working over in the Creek Nation then.
Q Did you live in the Creek Nation? A A while I did.
Q I thought you said you had lived in the Cherokee Nation continuously all the time? A Well I have been.

Q Well you couldn't have been living in the Cherokee Nation and the Creek Nation at the same time? A A good while ago I used to live there.
Q How lonf did you live in the Creek Nation? A Several years, working aro nd there.
Q Where was Susie born? A She was born in the Creek Nation.
Q Where was Thomas born? A I think he was born in Canadian if I am not mistaken Cherokee Nation.
Q Canadian district? A Yes, sir.
Q Where was Burley born? A I disremember now exactly where he was born.
Q In the Cherokee Nation or the Creek Nation? A I think I was living in the Creek Nation at that time.
Q Where was Essie born? A She was born in the CherokeeNati on; I disremember, I am not sure of it though.
Q Minnie, your five years old child? A Canadian I think.
Q Where was Miranda? A Born here on Caney.
Q In the Ch rokeeNation? A Yes, sir.
Q And Ruth? A Yes, sir.
Q Well you appear to have lived in the Creek Nation a good deal.
Q A while when I first came to the country.
Q What partof the country? A Right on the line about Muskogee, I worked through there.
Q Worked over about Muskogee? A Yes, sir.
Q These children, that is where they were born, over about Muskogee?
A Some of them were.
Q Where were th others that were born in the Creek Nation born?
A There along on the line of the Cherokee Nation and the Creek.
Q Kinder along backwards and forwards? A Yes, sir, worked around in there a while.
Q They are all the children of Dora, your wife? A Yes, sir.
Q What proof have you got of your marriage to Dora? A I haven't got any unless I send off after it.
Q Married in the State of Texas? A Yes, sir.
Q Get a liodnse there? A Yes, sir, at LeGrange County.
Commissioner: Well, you will have to send a certified copy of your license from the record there.
Mr. Hastings: How long did you live there after you married?
A I married along inthe spring and came out that fall.
Q You know what fall you got here? A No, sir, not exactly.
Q What is your best judgment about when you got here?
A I never paid the strictest attention to it, I can't tell you just what fall it was.
Q You made a crop there after you married, came back in the fall after that? A Yes sir.
Commissioner: You know how old you were when you came?
A No, sir, I don't.
Q Did you ever vote in the State of Texas? A No, sir.
Q Ever vote in the Cherokee Nation? A Yes, sir.
Q How long after you came back before you ever voted in the Cherokee Nation? A It wasn't very long, Ivoted several times in Canadian and I voted once or twice up here.

Commissioner: Andrew Daniels applies for the enrollment of himself and nine children, as enumerated in the testimony. He cannot be identified upon the authenticated roll of 1880 or the c ensus roll of 1896 , but he and his children, with the exception of Burley and Miranda and Ruth, are identified upon the Kern-Clifton pay-roll. He avers that he is the son of Burrell Daniels, who is listed for enrollment upon rejected care No. R-40, and the testimony taken in the case of the said Burrell Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith. He makes satisfactory proof as to his residence, and avers that he was

married to his wife Dora in the State of Texas. She is a non-citizen. He makes no proof of marriage. It will be necessary for him to file with this Commission satisfactory proof of his marriage or a certified copy of the records from the State of Texas. The testimony shows that his father did not return to the Cherokee Nation until about twenty years ago, and that he brought ~~him~~ with him the applicant, his child, at that time. The testimony shows that the said Andrew was born in the Choctaw Nation during the war, the applicant's father, Burrell, at that time having been taken out of the Cherokee Nation. Because of the fact that the applicant was a minor, born after his father and mother were taken out of the Cherokee Nation and before they lost their rights as Cherokee freedmen, and the weight of the testimony showing that he was a minor when he returned, the applicant, Andrew Daniels, and his children as enumerated herein, will be listed ~~for~~ upon a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises: The only doubtful question in the mind of the Commission is as to the rights that the said Andrew Daniels has by reason of his being a minor at the time that he was taken from the Indian Territory, and a minor when he returned, the evidence showing that his father and mother were slaves in the Cherokee Nation before the Civil war.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th of July, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

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Supplemental, Cherokee freedman D-861.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Andrew Daniels et al. for enrollment as Cherokee freedmen.

Suepplemental testimony.
Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Burrell Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q Are you the father of Andrew Daniels, who applied yesterday to be listed for enrollment? A Yes, sir.
Q You were a slave, were you? A Yes, sir.
Q Who did you belong to? A I belonged to Bob Daniels.
Q Were you taken out of the Cherokee Nation during the war?

A I was taken out after the war ended.
Q Who by? A By Joel Bryant.
Q What right had he to take you; was he your owner? A When the war was coming on we were put with him to keep out of the way of the northern people and he carried us down here in the Choctaw Nation near Doaksville, with all the families.
Q Whose family? A All the families, their families and colored families and when the war ended, before he turned the darkies loose he took a drove of them and went to Mexico.
Q Took you among them? A Yes, sir.
Q Where from, A South from the Choctaw Nation.
Q Your family was in the Choctaw Nation at that time, were you? A Yes, sir.
Q Was there where Andrew was born? A Andrew was born in the Choctaw Nation near Sampson Fulsom's.
Q That near Doaksville? A Yes, sir.
Q Did he take Andrew? A Yes, sir, he was just a baby.
Q Take your wife? A Yes, sir, all the whole family.
Q How old was Andrew then? A Andrew I think was something over a year old, pretty near a year old; they made a crop there and stayed there all one winter and one season.
Q How did your wife and Andrew happen to be in the Choctaw Nation? A My wife and Andrew, he had the whole family, my family and half a dozen others.
Q How did he happen to be there? A He took us down there.
Q Who? A Mr. Bryan.
Q Took you from the Cherokee Nation into the Choctaw Nation? A Yes, sir, first to Fort Smith and from Fort Smith to Van Buren and then to the Choctaw Nation.
Q There is where Andrew was born? A He stayed there on winter and made a crop that fall, made a crop, and along in coming December I suppose he moved us all over to Texas.
Q Was that after the war? A Yes, sir, everybody was going home, peace was declared.
Q Didn't you know you were free then? A Yes, sir, he had his batallion outfit with him.
Q Was he a soldier? A He had the soldiers with him.
Q Was Bryant a Confederate or a federal? A He was a Confederate.
Q Was he an officer? A He was a colonel.
Q And he took you along when he took his soldiers back; when he took his soldiers he took you folks? A Yes, sir.
Q Did you try to get away from him? A No, sir, he didn't ask us anything, just told us we had to go with him and said we would come back when everything got quiet.
Q I understand Andrew was born in the Cherokee Nation? A No, sir, he was born in the Choctaw Nation.
Q After this man took you down there? A Yes, sir.
Q And took your wife there? A Yes, sir.
By Mr. Smith: At the time Andrew was born and the time you speak of being in the Choctaw Nation and going over into Texas to cut wheat, the war wasn't ended then was it? A No, sir, it wasn't ended then.
Q That was while the war was going on? A Yes, sir; when the war ended why he moved us from Mr. Sampson Fulsom's to a place below Doaksville, between Doakwville and old Mr. Jones' farm.
Commissioner: You stayed at Sampson Fulsom's until the war ended? A Yes, sir.
Q He took you there before the war ended? A Yes, sir.
Q He had the families all there, and there is where Andrew was born? A Yes, sir.
Q Then Andrew was taken on down into Texas? A Yes, sir, carried down into Texas, went down to Waco, from Waco to Austin, and met some people and they said the Yankee army was in Austin, and he took us then across the plains.
Q And there Andrew stayed until the man was married ?

A Yes, sir; he took us to Mexico.
Q Took Andrew to Mexico? A Yes, sir, and he married the same year I was working out way ba k.
Q He married in Texas? A Yes, sir.
Q And after he married he came back to the Nation? A Yes, sir.
Mr. Hastings: You s tayed six or seven years in Mexico? A Yes, sir.
Q That was six years or seven years after the war? A Yes, sir.
Q Then you came back here you saw after Mr. Bushyhead was elected chief the second time; that was after '83? A I came back from Mecio to San Antonio and worked there a while and I moved from there and came to Fayette County and worked there a while.
Mr. Hastings: Mr. Smith, can we agree that Mr. Bushyhead was elected chief the second time begin ing the first monday in Nobember, 1884; that is a historical fac ?
Mr. Smith: Yes, I will agree to that.
Mr. Hastings: You lived five or six years in Mexico?
A Yes, sir.
And the rest of the time you were working your way back here?
A Yes, sir.
Commissioner: What did you stay so long in Mexico for?
A He taken us to Mexico and peoned us.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five ivilized Tribes he correctly recorded theproceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 9th of Jyly, 1901.
(Signed) T. B. Needles,
Commissioner.

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J. O. rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete transcript of the original in said case.

J. O. Rosson

Subscribed and sworn to berore me this 28th day of August, 1901.

T. B. Needles

Commissioner.

Mary Hill, et al.--2.

Q The 1880 Authenticated and 1880 Census Rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 181, #4432, Mary Hill, Creek Nation.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 189, #2320, Mary Daniels, Creek Nation.

Q What is your father's name? A John Newton.
Q Is he alive? A Yes, sir.
Q What is your mother's name? A Nancy Daniels.
Q What relation are you to Burl Daniels? A Granddaughter.
Q What relation are you to Andy Daniels? A He is my uncle.
Q How long have you been living in the Cherokee Nation?
A About five years.
Q Come fr om the Creek Nation did you when you came up here to the Cherokee Nation? A No, sir, I come from the ~~Creek Nation~~ Cherokee Nation ~~to~~ up here.
Q Well, how long have you been living in the Cherokee Nation?
A Been up here about five years.
Q Well, how long have you been living in the Cherokee Nation here and everywhere else? A I don't know.

BY MR. SMITH:

Q Do you know how long you lived in Canadian District before you came up to Candy? A About two or three years.
Q Then you came from the Creek Nation to Canadian District?
A Yes, sir.
Q Do you know how long you lived in the Creek Nation? A No, sir.
Q Do you know where you went from to the place you lived in the Creek Nation? A No, sir.

COM'R MCDERMOTT: Mary Hill applies for the enrollment of herself and her child, Alice. She avers that she was born in the State of Texas and she has lived in the Cherokee Nation about seven years, living before that in the Creek Nation. She avers that she is a granddaughter of Burl Daniels, who applied for enrollment as Rejected card #40, and that a copy of the testimony taken in said case will be made a part of the record in the case at bar, and she also avers that she is a niece of Andy Daniels who is listed for enrollment as Doubtful card #241, and the testimony taken in the matter of the application of Andy Daniels will also be made part of the record in the case at bar and copy thereof filed herewith. She is identified

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., June 26th, 1906.

In the matter of the application of Mary Hill for the enrollment of herself and child as Cherokee freedmen; said Hill being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Ballinger & Smith, for applicants.
Mr. H. F. Hastings, for Cherokee Nation.

Q What is your name? A Mary Norton.
Q How old are you? A About 22.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Hill.
Q Well, your name is Hill isn't it? A Yes, sir.
Q What is your post office address? A Talala.
Q What district do you live in? A Sequoyah.
Q Do you want to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My child.
Q What is your child's name? A Alice Q.
Q Alice Hill? A Yes, sir.
Q How old is she? A Going on 4 we years old.

BY MR. SMITH:

Q Who was your mother? A Nancy Daniels.
Q Do you know Burl Daniels? A Yes, sir.
Q What kin is Burl to you? A Grandfather.
Q Where do you live? A On Caney.
Q Where is Caney, how far is that from Nowata?
A I don't know.
Q Is it in the Cherokee Nation? A Yes, sir.
Q How long have you lived there? A I don't know exactly how long we lived there.
Q Well, about how long as near as you can tell?
A About five years I guess.
Q Where were you living before you went to Caney?
A Down in Canadian District.
Q Cherokee Nation? A Yes, sir.
Q When did you come to the Canadian District? A While, well before the last enrollment.
Q I am talking about Canadian District now; where did you come from when you came to Canadian District? A From in the Creek Nation.
Q Whereabouts did you live in the Creek Nation?
A I was down below Muskogee.
Q Do you know how long you lived down there?
A No, sir, I don't.

BY COM'R NEEDLES:

Q Did you ever apply to be enrolled as a ~~Freedman~~ Creek citizen?
A No, sir.
Q Did you ever draw any money from the Creek Nation?
A No, sir.
Q Where were you born, in the Creek Nation? A No, sir.

BY MR. HASTINGS:

Q Who married you? A Maywood Jones.
Q Where does he live? A Over on Caney.
Q You were born in Texas? A Yes, sir.
Q How old are you? A About 22.
Q And your mother died in Texas? A Yes, sir.
Q About how old were you when you came up here? A I don't know.
Q About how old were you when you came from the Creek Nation?
A I don't know.
Q You are a full sister of Linnie Shafer? A Yes, sir.

BY COM'R NEEDLES:

Q Is your husband a citizen? A No, sir.

Mary Hill, et al.---2.

Q The 1880 Authenticated and 1896 Census Rolls of Freedmen of the Cherokee Nation, examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 181, #4450, Mary Newton, Creek Nation.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 149, #4450, Mary Daniels, Creek Nation.

Q What is your father's name? A John Newton.
Q Is he alive? A Yes, sir.
Q What is your mother's name? A Nancy Daniels.
Q What relation are you to Burl Daniels? A Granddaughter.
Q What relation are you to Andy Daniels? A He is my uncle.
Q How long have you been living in the Cherokee Nation?
A About five years.
Q Come fr om the Creek nation did you when you came up here to the Cherokee Nation? A No, sir, I came from the ~~Creek~~ Cherokee nation on up here.
Q Well, how long have you been living in the Cherokee Nation?
A Been up here about five years.
Q Well, how long have you been living in the Cherokee nation here and everywhere else? A I don't know.

BY MR. SMITH:

Q Do you know how long you lived in Canadian District before you came up to Candy? A About two or three years.
Q Then you came from the Creek nation to Canadian District?
A Yes, sir.
Q Do you know how long you lived in the Creek Nation? A No, sir.
Q Do you know where you went from to the place you lived in the Creek Nation? A No, sir.

COM'R MEMBER: Mary Hill applies for the enrollment of herself and her child, Alice. She avers that she was born in the State of Texas and she has lived in the Cherokee Nation about seven years, living before that in the Creek Nation. She avers that she is a granddaughter of Burl Daniels, who enrolled for enrollment on Rejected card #40, and that a copy of the testimony taken in said case will be made a part of the record in the case at bar, and she also avers that she is a niece of Andy Daniels who is listed for enrollment on Doubtful card #681, and the testimony taken in the matter of the application of Andy Daniels will also be made part of the record in the case at bar and copy thereof filed herewith. She is identified upon the Kern-Clifton Roll as Mary Newton and on the Wallace roll as Mary Daniels. It will be necessary for her to make satisfactory proof as to the birth of her child, Alice, her name not appearing upon any of the rolls. Her name cannot be found upon the authenticated roll of 1880 or census roll of 1896. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting for their consideration of the Creek claim. She will be notified by mail at her post office address of the action of the Commission.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five Civilized tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this July 15th, 1931.

Commissioner.

I, the undersigned, being duly sworn, as stenogrpaher to the Commission to the Five Civilized Tribes do hereby swear that I made the above and foregoing copy and that the same is a true and complete copy of the original m transcript.

Frances S. Ditefish

Subscribed and sworn to before me this 8th day of August, 1902.

Bruce G. Jones
N.P.

FILED
AUG 8 1902
COMMISSIONER OF THE DEPARTMENT OF THE INTERIOR
CHICKASAW NATION

[illegible]

To be filed with F. D. 917-Mary Hill.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:

Mellette, Smith & Cravens, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace Roll made by J. W. Wallace as shows the enrollment of J. W. Daniels and family as Cherokee Freedmen andas beneficiaries of the per capita fund of Seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as shows the enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of Seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmet are alive and have testified before the Commissi on in numerous cases, and they can be gotten so as to be brought before the Commission an d there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the c ase of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these appli ants are represent ed by Mellette, Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript os his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June, 1902.

(Signed) P. G. Reuter.
Notary Public.

(SEAL)

I, the undersigned, being duly sworn, as stenographer to the Commission to the Five Civilized Tribes do hereby swear that I made the above and foregoing copy and that the same is a true and complete copy of the original a transcript.

Subscribed and sworn to before me this 8th day of August, 1902.

J. N. P.

[illegible] ...ent of the Interior,
[illegible] ...ive Civilized Tribes,
[illegible] ..., September 18, 1901.

[illegible] ...ication of Burrell Daniels at [illegible] for

[illegible] ...on behalf of applicant.

[illegible] ...:

[illegible] ...for applicants.

[illegible] ...for Cherokee Nation.

[illegible] ...appearing before the commission and being [illegible] ...follows:

[illegible] ...name and residence? A [illegible]-0.

[illegible] ...

[illegible] ...brother? A [illegible].

[illegible] ...by blood, a recognized citizen of the [illegible] ...by blood, recognized.

[illegible] ...Burrell Daniels? A Yes, sir.

[illegible] ...him? A I have known him for about 25 [illegible] ...I reckon, since 1882, that is when he [illegible] ...year after Bushyhead was inaugurated.

[illegible] ...time? A Yes, second time of his election.

[illegible] ...was inaugurated in 1883, and the next [illegible] ...1884 then.

[illegible] ...did you see Burrell Daniels first? A I saw [illegible]

[illegible] ...year was that? A That was in 1884, in November.

[illegible]

Q [illegible] ...he going there at that time? A He came there to be [illegible] ...his rights he said, [illegible] ...citizenship, to be [illegible] ...an application to council for re-[illegible] ...Do you know if he presented an application to council for re-[illegible] ...Nation? A Yes, sir, I wrote it out, had the member from Table-[illegible]

[illegible] ...Mr. Hastings: There comes in a matter of record; I am [illegible] ...further examination along that line.

[illegible] ...the objection and let

File with C.F. D-917, Mary Hill.
-R-

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant:

Appearances:

Mellette & Smith, attorneys for applicants:
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE O. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A George O. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 25 years, or 20; well 23 years I reckon, since 1882, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1883, and the next year would be 1884. A Well 1884 then.

Mr. Mellette: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1884, in November, during the council.

Q What was he doing there at that time? A He came there to be readmitted to citizenship, to bee about his rights he said.

Q Do you know if he presented an application to council for readmission? A Yes, sir, I wrote it out, had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record: I am going to object to further examination along that line.

Commission: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mellette will insist on going on.

Mr. Mellette: I think the fact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commission: This testimony will be filed in the following cases: R-40, D-861, D-916, D-917, and D-941.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of September, 1901.

[illegible]
Notary Public.

and the undersigned, being duly sworn, do hereby
certify that I have read the above and foregoing
Commission to the Five Civilized Tribes and that
the facts therein stated are true and correct.

Subscribed and sworn to before me this 8th day of August, 1902.

My commission expires on the 1st day of January, 1903.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
FILED
AUG 8 1902
ACTING CHAIRMAN

To be filed with F. D. 917-Mary Hill.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:

Mellette, Smith & Cravens, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace Roll made by J. W. Wallace as shows the enrollment of J. W. Daniels and family as Cherokee Freedmen andas beneficiaries of the per capita fund of Seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as shows the enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of Seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmet are alive and have testified before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript os his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June, 1902.

(SEAL) (Signed) P. G. Reuter.
Notary Public.

[illegible] Hollingshead, being duly sworn, as stenographer to the [illegible] to the Area Civilian Tribes do hereby swear that I made the notes and transcribed copy and that the same is a true and correct copy of the original [illegible].

[illegible] Hollingshead

Subscribed and sworn to before me this 5th day of August, 1962.

[illegible] Jones
[illegible]

Cherokee Nation if it

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special ser- vanesson of one firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to, the request of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger

Subscribed and sworn to before me this 16th day of June, 1902.

(SEAL) (Signed) P. G. Peuter,
Notary Public.

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

[illegible]

[illegible]

By W. W. [illegible]

[illegible] the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in such individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Marden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves this at to the above named cases including the Mariah Marden case that counsel for the applicants be allowed within thirty days in this cay of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

FILED
JUN 26 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT DIVISION.
MUSKOGEE, I. T., JUNE 8, 1905.

Cherokee Freedman R-40 et al.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee freedmen, consolidating the applications of

Burrell Daniels et al----------C. F R- 40
Andrew Daniels et al.----------C F D-861--R-395.
Lizzie Shaffer et al.----------C F D-916--R-396.
Mary Hill et al.----------C F D-917--R-394.
Lizzie Haynes et al.----------C F D-941--R-393.
Mack Daniels et a.----------C F D-1080-R-392.
Thomas Daniels et al.----------C F D-1100-R-391.
Burrell H. Daniels et al.----------C F D-1101-R-390.

APPEARANCES:
For the applicants, Blue & Bulger.
For the Cherokee Nation: W. W. Hastings and J.S.Davenport.

It appears from the records of the Commission that on January 18, 1904, the Commission rendered its decision in the matter of the above applications denying the applications. That on January 19, 1904, the record in the matter of these applications was forwarded to the Department and the action of the Commission was approved by the Secretary of the Interior on June 24, 1904. It further appears that on May 13, 1905, the decision of the Department affirming the decision of the Commission was remanded and the record and the papers returned with a request that a rehearing be had in the matter. Now on this day pursuant to notice the applicants herein appear both in person and by their attorneys, Blue & Bulger of Vinita, I. T., the Cherokee Nation represented by W. W. Hastings, one of the attorneys for the Nation.

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The following testimony was introduced on behalf of the Cherokee Nation.

R. W. LINDSAY, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A R. W. Lindsay.
Q What is your post office? A Choteau, Indian Territory.
By MR. HASTINGS:
Q What is your age? A 73.
Q What is your posteffice? A. Chateau.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q Were you married when the war came up? A. Yes sir.

Q To whom were you married? A Mariah Bryant.
Q Who was her father? A Joel M. Bryant.
Q Was he commonly known as Colonel Bryant? A Yes sir.
Q Did you know the applicant, Burrell Daniels, before or during the war? A I knew him during the war.
Q I mean the applicant here? A Yes sir, I knew him as good as anybody.
Q Where did you first know him? A Well I have seen him the first to know him was at out six miles east of Van Buren inArkansas.
Q When was that? A About October, 1862.
Q In whose family was he at that time? A. Col Bryant, his property at that time.
Q Did he own him at that time? A Yes sir.
Q Did Burrell Daniels have a wife then? A Yes sir.
Q Do you remember what her name was? A Yes sir, Miranda.
Q Did they have some children? A Yes sir.
Q Do you remember how many? A Lets see, I can recollect the names of Lewis, Nancy, and Abe, there were about five to the best of my knowledge, but they have all died except one or two.
Q To whom did Miranda and the members of the Burrell's family belong? A Col. J. M. Bryant.
Q That was in October, 1862? A Yes sir.
Q Where did Col. Bryant's family go during the war? A They went from that place for a little while close to Dansville, Ark. for a few months, and then went south to Red River ten miles east of Doaksville, Choctaw Nation, one year, and then removed from there to a point 17 miles southwest of Doaksville in the Choctaw Nation.
Q Where were they at the close of the war? A They were at this place 17 miles southwest of Doaksville in the Choctaw Nation.
Q Did they subsequently remove to Texas? A Yes sir.
Q Just go ahead and make a statement? A I was in the army and was travelling under the orders from Shreeveport to report to General Cooper, commanding the division of the Indian Territory, C. S. A. and when I got to Paris I heard from a party there that Col. Bryant's family had removed across the Red River, and I went there and met them there and Burrell Daniels was there with them.
Q When was that? A In the early part of May, ~~1862~~ 1865.
Q Where did Col. Bryant and where did you go from there? A I don't recollect the distance but it must be 40 or 50 miles up Red River to Warren where Col. Bryant joined us there.
Q Where did you go from Warren Texas? A We statrted from there and went to Chihuahua, Mexico.
Q Was Burrell~~XX~~ Danile with Col. Bryant's family at Warren, Texas?
A Yes sir.
Q Now tell of the circumstances of Col. Bryant's going to Mexico and of his taking this family with him? A He went to Mexico and this family of Burrell's and another family of negroes, 5 or 6 in number, he taken them along with him, they all went together.
Q Did he force these people to go with him?

Mr. Blue: I don't think that is competent, I think that is a conclusion rather than a statement of facts. I think he ought to state the facts and not undertake to give conclusions.

A No sir, he didn't force them.

Q Now tell about it? A As I understand it was entirely amicable, I didn't hear of any objection at all, Burrell and his wife, Miranda were very confidential servants you may say, it was their matters and they went along freely as I expect he ever did anything in his life, as I understand they were to go with them to Mexico.
Q What was Col. Bryant intention of going to Mexico at that time?
A Well it was just after the war and things were so that he had to go some place, as a good many called it to get out of the way of the Yankees.
Q Were these parties compelled to go? A No sir, they stopped at a place I think 210 miles northeast of the Rio Grande, where we stopped and liberated the slaves and rested for several days, and Mr. Bryant made a contract with Burrell and I think maybe his wife, that when they got over into Mexico they were to work and pay the transportation, and I think maybe the amouny was fixed, I am not certain about that, and then when we got to the City of Chihuahua, and after awhile we moved down three miles east of Chihuahua, and we had been there a few weeks when Burrell taken up his family and skipped off into the City from the camps where we camped at, and Mr. Bryant come there and found him in the city, and he brought suit against him before the the court there, and he got judgment, I don't recollect the amount of the judgment though.
Q What did he bring suit for? A On account of the contract for services, he brought suit there for the money or for the services he agreed to pay him.
Q For what money? A For transportation under this contract entered into at Fort Stocton. He got the judgment and of course that would compel the services or the money, I don't know what the amount of the money was, but Governor Terasso, Lewis Terasso paid the money and then, under the laws there, of course, Daniels became a subject to him for the amount of money to satisfy that judgment.
Q Then this contarct that was entered into was to pay for the transportation of Burrell Daniels and the members of his family from where they had previously started over into Mexico? A. Yes sir that was it.
Q And you say Bryant got judgment for some amount butv don't know the exact amount? A No sir not the exact amount.
Q Burrell Daniel's has testified the amount is $113.00, do you remember about that? A I don't recollect the amount, I have heard them speak about it.
Q You say that Lewis Terasso paid the judgment? A Yes sir, paid the judgment.
Q And that ended BurrellIs connection with the family? A Yes sir
Q Was that in 1865? A Yes sir, that was '65, about September, 1865.
Q About how long did you stay after that? A About two years.
Q You and did Col. Bryant stay there two years after that? A Yes sir we came back together.
Q Did you ever see Burrell Daniels here after that time? A No sir not until 1888, I saw him in Tahlequah, I saw his oldest son frequently.
Q When did you say you saw him here? A. In 1888.
Q You don(t know just exactly when that was, when he returned?
A. No sir.

BY MR. BLUE:
Q You say you were a son-in-law of Col. Joel Bryant? A Yes sir

Q Was Bryant a Colonel in the Confederate Army? A. Yes sir.
Q Was he in command of a confederate force in 1865? A. Up until about may in 1865 I think everything went to pieces about that time.
Q Was he ordered to turn in? A I wasn't with him, I did what I was ordered to do and I met his family and mine and we went up above, I don't know anything about that. The equipage he had was perhaps his own, men those times furnished according to his own skillet.
Q Were you with Bryant in 1865? A No sir just met him at Warren, Texas.
Q In what year? A '65
Q And who was with him at that time? A When I first met him there were two young men, one by the name of Lem Smith and Joe Bennett.
Q I mean what companies he had? A No companies, those two men were the only ones. Afterwards two other parties came in that belonged to his commands. Those were all he had, no one but those two when he came down from Washita of his command, didn't have any command then, they had disbanded.
Q What was Bryant doing down in that part of the country at that time? A He came from Washita to meet his family and fixed up to go to Mexico.
Q What was his object in going to Mexico? A. I said to get away from the Yankees.
Q Was it customary for the Yankees to make it unsafe for the ex-confederates? A I don't know, we didn't know at that time.
Q You were going away from the Yankees and there wasn't any there? A That is my idea, I couldn't tell any other idea.
Q Thenyou went from there to the City of Chihuahua? A. Yes sir.
Q And was this Burrell Daniels and his family the only colored prople with you? A. No sir, there was another family about 5 or 6 I think.
Q Were they trying to get away from the Yankees too? A I couldnt tell what their motives were. They were old family slaves except two.
Q They were slaves of Joel Bryant then? A Yes sir, and you dont know or anybody else how close old slaves would be to us during those days.
Q You say Burrell Daniels was with Joel Bryant in 1862 in Arkansas? A Yes sir, that was when I first met them, in August, 1862, I think Joel Bryant bought him from Thompson out here just a little ways east of here, I only heard of them speaking of the transaction.
Q You don't know it? A No sir, only heard it but I know they were up that way.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir.
Q Do you know from whom Johnson had bought Burrells? A From Robert Daniels.
Q What part of the Territory did Johnson live in in 1862? A Johnson lived on his place, it was about ten miles little southeast of where Vinita is now, and Robert Daniels lived on the Texas road just north of him.
Q Where did Johnson Thompson go then? A He had gone to the Choctaw Nation; I could see him around and I think he was a Commissary perhaps in the first Cherokee regiment. I frequently saw him on the trail sometimes we had a good night sleeps and sometimes we would be running.

Q Was that first Cherokee Regiment a Confededate force? A Yes sir that was the one, there was a first Cherokee regiment and there was a second Cherokee regiment.
Q What was the number of Col. Bryant's regiment? A I don't recollect, I wasn't with his regiment, I was with a different command all together, that has been a long time ago and I have forgotten it.
Q Did Johnson Thompson at this time have any other slaves except Burrell Daniels? A Yes sir considerable.
Q Did he move these with him? A I don't know they were with the family, his family went to Red River, I expect they went there in 1862.
Q About the same time that Daniels went ot the Choctaw Nation? A About the same time he moved down he was moving when they made the deal out here at a little spring close to Frozen Lake.
Q Do you know why they went to the Choctaw Nation? A Yes sir.
Q Why? A The Yankees were in it again.
Q Do you know that Burrell Daniels was sold by Johnson Thompson to Col. Bryant? A Well I know just only from heresay, the old man Bryant said he had bought him from Thompson, and I think Thompson had brough him from Daniels.
Q Was it not customary in those times for a slave owner to put his slaves with some army officer for protection? A Not then, no sir, not until things--- we held the ground, it was all our way then.
Q What time of the year was that? A That was during the summer of 1862. I said it was about August when they made this trade.
Q In the latter part of August you made this trade, didnT the northern forces come down here and wasn't John Ross and family north with them? A They had previously to that time, but they got away rapidly, we were master of all we surveyed then, but I say we didn't hold it long.
Q If you were monarch of all your surveys here why did you go sou south? A We took a good stand, and made a good run.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Are you enrolled as such? A Yes sir.
Q How long have you lived in the Cherokee Nation? A You count from the 2nd day of November 1859 up to this day.
Q From what place did you come to the Cherokee Nation? A From Kansas City, Missouri.
Q Are you a Cherokee by blood? A No sir, by marriage
Q Then you were here or hereabouts all the time of the war until in 1865 when you started to old Mexico? A Yes sir.
Q And you were with General Cooper, if I understand you? A Yes sir.
Q What regiment? A Second Cherokee regiment two years, and I was with the artillery the last of the war.
Q When Col. Bryant started from this place was it his intention of going to old Mexico? A Yes sir that was it.
Q How many people were they with Col. Bryant at the time he started to Mexico? A Besides his own family, I don't think there was over, at that time, ten more men. There were several more than members of his family, I would say a dozen at the outside.
Q Did he have some young boys? A He had only one son.
Q Was there any others? A One boy started with him and then way down about Waco another boy come in.
Q How did you travel from going from this place in Texas to Mexico? A We travelled in wagons.

Q Some on horse back I suppose? A. Some on horse back, a few.
Q How did you subsist in going through that country? A We had beef cattle, some milk cows they had that the family was using I think and traded for.
Q About what sized herd? A Not very large buthI would say 30 or 40 head perhaps, it wasn't a big herd, small
Q And you took them along to subsist on? A Yes sir.
Q Was that stock of the family or was it property of a party for all? A No sir they were Bryant's property, he footed the bill.
Q While in travelling from Warfen, Texas, did you go by an old travelled route ot otherwise? A We travelled the usual travelled route.
Q Did you find any Yankees in the way out there? A Not a single Yankee.
Q From Waco did you take the usually travelled route? A Yes sir, until we got to San Babén, and then it was the other route, we went to Belton, and we passed Yeupusa and Sansaba, and then we took a little by way to Fort Stocton.
Q After you heard that the Yankees were in that vicinity you didn't travel the route usually used? A No sir the Yankees were not in that vicinity, they were down to Houston.
Q Now this old Fort Stockton, how near was that from the divide? A It was 210 miles to the best of my recollection.
Q Your recollection is it was 210 miles from Fort Stocton? A Yes sir that is my best recollection.
Q That was the last stopping place so to speak until you got down to Presidio? A It was 122 miles to Presidio.
Q What I wish to know, from the time you left Fort Stockton until you got down in the vicinity of Presidio did you fine any ather stopping place? A No sir that was the first stopping place.
Q Was that a settled country? A No settlement at all.
Q Was it an arid place during those days? A Yes sir.
Q You came through to this Cotton Wood Spring and there you stopped for a time? A Yes sir.
Q About how long before you went on? A Perhaps it was six days.
Q Then you crossed into old Mexico? A Yes sir.
Q After you got into old Mexico you remained there how long?
A Two years.
Q Now isn't it a fact that Col. Bryant took judgment against other colored people that was with him? A No sir only Burrell and his family.
Q Do you know anything about how Burrell Daniels got out of Mexico? A No sir didn't see him any more after he left the camps there.
Q You spoke of seeing his oldest son? A Yes sir.
Q That was really a peonage son too? A Yes sir.
Q As a matter of fact there was no such thing as slavery there as it was in the United States? A No sir it was a contract you see.
Q Simply sell into bondage until the debt was extinguished? A Yes sir that was of it, if necessary I can briefly ~~XX~~ state it, that if you make a contract with a man he could work it out. You know what peon mean, it means just servitude of labor it w as under a contract for a debt.
Q As I understand it under that contract they were sold into slavery until the debt was extinguished, if it wasn't paid. A No sir, I beg your pardon, you cou'd compel him to make that servitude or get the money and pay you.

Q Now at the time you got there into Mexico, as you have stated, what government was in power then, the Mexican Government or the Government of Maximillian? A Maximillian.
Q During the time you remained there what government was in power? A Most all the time Maximillian, about the time we left there the Maximillian government was overthrown, just a little while before we left.
Q Was the government changed back to the Mexican control before you left? A Yes sir.
Q Did either you or Col. Bryant while you were there in old Mexico participate in the government in any way? A No sir.
Q You and he were there simply as citizens and trying to live there? A Yes sir.
Q Did Col. Bryant return back to the United States after that? A Yes sir.
Q And you did also? A Yes sir.
Q Have you ever held and official position in the Cherokee Nation? A I have been a member of the National Senate in the Cherokee Nation.
Q Have you held any other official position? A No sir.
Q Have you been a member of the National Senate of the Cherokee Nation more than once? A Only once.
Q When was that? A It was in 1887 and '88.
Q Now I will ask you do you remember when Bushyhead was elected Chief? A The first time was '79 and the second time in '83.
Q Then he was Chief of the first election how long? A 4 years.
Q Reaching from what time? A '79 to '83.
Q How long was he chief the second time? A. 4 years.
Q Do you remember when he was inducted in office in 1883? A It was supposed to be about the first Monday in November, ' 83.
Q Then the term of that office would run 4 years? A Yes sir.
Q Was he chief of the Cherokee Nation any other terms than those two? A No sir, that was all.

BY MR. HASTINGS:
Q You and Col. Bryant then went to Mexico in 1865 with the intention of living there at that time? A Yes sir, that was the intention.
Q And you started from near Warren, Texas? A Yes sir.
Q Was Mr. Baugh, his other son-in-law with you? A Yes sir.
Q That is the other witness out here? A Yes sir.
Q And you say Burrell Daniels and his family went with you voluntarily? A Yes sir.
Q Was he compelled to go by Col. Bryant? A No sir.
Q Another family of slaves went with you at the same time? A Yes sir.
Q Were they compelled to go with you? A No sir, and he proposed to bring them back at the same time. They stayed with him the length of time working for themselves, and when he came back he told them he would bring them back with him.
Q They had a signed contract with him to pay for their transportation did they? A Yes sir.
Q After they got over to Chihuahua Burrell refused to comply with the terms of the contract? A Yes sir, that was about it, he left Mr. Bryant's ~~xxxxxxxxxxx~~ services.
Q Left owing for this transportation? A Yes sir.
Q And as I understand you Mr. Bryant, in the proper courts down there, brought suit for this transportation? A Yes sir.
Q And he got judgment? A Yes sir.
Q And this Governor of Chihuahua, Lewis Terasso, paid off the judgment under Mexican law? A Yes sir.

Q And Col. Bryant had no more to do with it? A No sir.
Q What ever was done by Col. Bryant was done there in accordance with the Mexican law and the action of the courts? A Yes sir.
Q Col. Bryant never sold him into slavery or peonage, only got judgment against him? A That was it, under the law he could have held him until he got it.

BY MR. BLUE:
Q You started from this point in Texas you have stated as I recollect it, that it was in May, 1865, when you started to Mexico, what day in May? A. I couldn't recollect, I think it was in the early part of May, perhaps the middle.
Q Now as a matter of fact when you started these people were slaves of Col. Bryant? A Yes sir, ~~they~~ so considered.
Q Were they slaves when you went into Mexico? A, No sir, he had liberated them at Fort Stockton.
Q What was Burrell Daniels and his family doing during the time they were travelling, going through there? A Burrell was driving one of the teams, and his wife was cooking for Col. Bryant's family.
Q As a matter of fact Burrell and his wife were working for Col. Bryant? A Yes sir.
Q And did work for him up to Fort Stockton? when this contract was made? A Yes sir.
Q Now did Col. Bryant at that time pay Baniels and his wife anything for their services? A I would say not, my impression is that he didn't pay them anything.
Q This proceeding out there in Mexico by Col. Bryant by which this judgment was obtained, was it under the rule of Maximillian? A Yes sir.
Q Did you or Col. Bryant, either one become citizens of Mexico? A No sir.

Q Did Col. Bryant take out any papers there? A No sir.

BY MR. HASTINGS:
Q Were you there on July 19, ~~xxx~~ 1866? A Yes sir.
Q Was Col Bryant there? A Yes sir, I was there until '67.
Q What time did you leave there in 1867? A In the latter part of July, '67.
Q Did Col. Bryant also leave at that time? A Yes sir, we left together.
Q I believe you stated that Col Bryant didn't force either of these families to start with you from Warren to go to Mexico? A No sir he didn't.
MR. BLUE:
Q You also stated that Burrell Danils and his family were slaves at that time? A Yes sir.
BY THE COMMISSION:
Q Is Col. Bryant dead? A Yes sir.
Q When did he die? A About 1899 or 1900, I couldn't state which
Q Only about 5 years ago? A Yes sir, just about 5 years ago.
Q Where did he die? A Up there at Choteau.
Q How far is Stockton from Tahlequah? A It is a long ways.
Q What is your best judgment? A I would say about 800 miles.
Q Up until you reached Fort Stocton Burrell Daniels and his family were slaves? A Yes sir.
Q How many of those slaves that were liberated at that time returned to the Cherokee Nation at once, all of the slaves you had with you, did you take them all to Mexico? A About all, yes sir, I don't believe but two of them came back when we did.

Q Is it a fact that the slaves that you had at Warren were all with you still at Fort Stockton and they were still with you when you went into Mexico? A Yes sir.
Q And they were with you in Mexico? A Yes sir.
Q The party wasn't brokern up at all? A Not until we made a stop in Mexico.
Q Do you know how far Warren, Texas, is from Tahlequah? A It is a little more than 200 miles.
Q How far is Fort Stockton from Chihuahua? A It is about 400 miles.
Q How far is San Antonio from Tahlequah? A It is about 600 miles.

WITNESS EXCUSED.

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J. H. BAUGH, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A J. H. Baugh.
Q What is your postoffice address at present? A Muskogee just at present.
Q How old are you Mr. Baugh? A I am 80 years old.

BY MR. HASTINGS:
Q When were you first married? A In 1854.
Q To whom were you married? A To Charlotte Bryant, Bryant's oldest daughter.
Q Was she the oldest daughter of Col. J. M. Bryant? A Yes sir.
Q You are a brother-in-law of Mr. Lindsey who just left the stand? A Yes sir.
Q Were you living near Col Bryant when the war came up? A Well yes I was, Bryant lived on the east side of the Grand River and I was most of my time,---Bryant lived on the west side of Grand River, I should have said, and the most of my time I was over in the hills near Spring Creek running some saw mills.
Q Do you know Burrell Daniels? A I used to know a negro by that name, I wouldn't recognize him now.
Q Did he have a wife named Miranda? A Yes sir he had a wife, I don't recollect what her name was.
Q When did you first know these colored people? A Well my recollection is pretty bad about the dates or anything of that kind.
Q Was it during the war or before the war? A It was during the war.
Q Where did you know them? A I knew them on Frog bayou I think first, or Duchess Creek.
Q Where was that, in what State? A In Arkansas.
Q Did they belong to Col. Bryant then? A They did.
Q Where did you know them, if you knew them at all just after the war? A Out on Bed River in Fannin County near Bonham in Texas.
Q Where were they when the war closed, were they there when the war closed? A Who,them niggers.
Q Yes? A Yes sir.
Q Where was Col. Bryant's family? A They were on the east side of Red River at what is called Horse Prairie not very far from where Sampson Fulsom used to live in the Choctaw Nation. They went over into Texas then and fixed to go to Mexico after the surrender.

Q Did they go to Mexico? A They did.
Q Do you know whether this family of Burrell Daniels and his family went with them or not? A She did.
Q Did he? A Yes sir.
Q Where did they start from the go to Mexico? A They started from out there not far, it is on the east side of Red River.
Q Do you remember the town of Warren, Texas, how far is it from it? A I don't recollect any such town as Warren.
Q Your memory is bad about these names and dates? A Yes sir very bad.
Q You were along with Mr. Lindsey when you started were you not? A Yes sir.
Q Did Burrell Daniels and his family go with Col. Bryant and your family? A Yes sir, they did.
Q State whether or not that he went with him voluntarily or how he went? A Well there was no complication as I know of, if there was any I don't know it, of course there was a crowd of us all went together and I don't know of them compelling any one to go.
Q About what time of the year did you start to go to Mexico? A It must have been the latter part of May or the first of June, I am not certain, I think it must have been in the latter part of May or the first of June that we started to Mexico.
Q Was that in 1865? A '65, yes sir.
Q After you got to Mexico what became of Burrell? A He stayed around there with Bryant's family awhile then Burrell, he skipped out and went to Chihuahua, we lived 6 or 7 miles from Chihuahua and they went up there.
Q Who went up there? A Burrell and his family.
Q How long had they been there with Col. Bryant when Burrell Daniels left and went up to Chihuahua? A Couldn't tell you.
Q Well was it a short time or considerable time? A I suppose it was a month or two, I don't know exactly.
Q What did Col. Bryant do about it? A He sued them, he claimed that he had a contract, I don't know anything about that part of it, they had agreed to pay him for their transportation across the plains and when they runed off, they were to work for this transportation, work for Bryant. When they runed off then he entered suit against them and got judgment and Burrell didn't have any money to pay it and he got Governor Terasso to pay the amount, whatever it was, and agreed to work for Terasso until he paid the debt.
Q You say Burrell got Terasso to pay the debt? A I suppose he did, I don't suppose he would have paid it unless he asked him to do it.
Q Did Col. Bryant have anything more to do with Burrell Daniels after that? A Not that I know of.
Q Were you a witness to that contract that Daniels was to pay him for his transportation? A No sir.
Q You only heard that there was a contract entered into? A Yessir
Q Do you know of Col. Bryant getting judgemnt against him in the Mexican court? A Well I was not a personal witness to it but that was my understanding.
Q You were there, a member of the family at the time? A I was living in Chihuahua at the time and Mr. Bryant and his family lived ~~about 4 or 5 miles east of Chihuahua.~~
Q How long did you remain down there in Mexico? A I stayed there nearly two years, I lived there until in June, 1877.
Q. 1867 you mean? A '67, it was June '67.

Q Did you all leave Texas to go to Mexico with the intention of living there at first? A That was our intention, then matters were not settled here and we didn't know how things would go in this country so we went to Mexico, and I always wanted to go to Mexico anyway, so it just suited me.
Q Did you ever see Burrell after Col. Bryant got judgment against him and after he went from under his control? A I couldn't answer that question because I can't recollect what, I may have seen him, but I don't recollect.

BY MR. BLUE:
Q How old are you Mr. Baugh? A 80.
Q How long have you lived in the Cherokee Nation? A 52 years.
Q From what place did you comw to the Cherokee Nation? A I came from Texas here.
Q Have you lived here continuously ever since you came, except what time you were in Mexico? A Yes sir, I have been in the Cherokee Nation most of the time and I have been here all of the time except once in awhile I would go down to Texas and stay a month or so.
Q Were you in the Confederate services? A Yes sir.
Q In what Confederate regiment? A In Stand Waitie's regiment.
Q Did you at any time serve in Col. Bryant's regiment? A No sir.
Q Was Col. Bryant a Cherokee? A No sir only had a Cherokee family
Q He was a Cherokee by adoption then? A I suppose you would call it that. I don't think they are adopted any more.
Q He had been recognized as a Cherokee citizen? A Yes sir.
Q And you married his daughter? A Yes sir.
Q His wife was a Cherokee woman? A Yes sir.
Q Have you been recognized as a Cherokee citizen and enrolled as such? A I have been enrolled as a Cherokee citizen.
Q Then you have been treated and regarded as a Cherokee citizen ever since your marriage to Col. Bryant's daughter? A Yes sir.
Q Where did you join Col. Bryant's party that went to Mexico after the war? A Some where out there west of Bonham, I think.
Q That was in Texas? A Yes sir.
Q Was it at a town or village or city or some camp? A He just camped out.
Q Now when you joined that party, who if anyone, joined with you? A Well now then here, I will state the case this way; there was Bryant and his family and Bryant had a lot of men along with him, soldiers that was in the war that was going to Mexico with him and we all camped over there on the other side of the river together. I don't know as I joined the company any more than any one else, I just went along with my family.
Q At the time you started, this party of you people for Mexico, about how many ~~of~~ were they of you? A I suppose there was about 50.
Q Well of that 50 people how many of them were exconfederates soldiers? A I don't know, there was I suppose 15 or 20 perhaps that went along that was part of the way out there and they branched off and some of them I think went up toward ElPaso.
Q Where did they branch off from you at? A They branched off at, my recollection is very bad--well now I think it was about Fort Stockton somewhere along there, that some of them left us.
Q About how many of them left there, if you remember? A I don't remember.
Q How did you travel from this place in Texas over to Mexico?
A We went in wagons and teams.
Q Any of you on horse back? A There was a good many of those boys that were with the family went along horse back.

Q Were you a slave holder in those days? A No sir my wife had a little negro girl.
Q Was she along? A She was along.
Q What became of her? A She died in Mexico, I think those Mexicans poisioned her.
Q Was she sold into slavery in Mexico? A No sir.
Q Did she live with you after she got to Mexico? A Yes sir.
Q Did she live with you up until the time of her death? A Yes sir
Q How many slaves did Col. Bryant have with him of his own slaves from the time you started to old Mexico? A I don't remember exactly, how many I couldn't tell you. They took aout there--there was one family that belonged to his mother-- let's see--- there was 3 or 4 of them maybe, I don't recollect exactly how many, I can't remember.
Q Did he have Burrell Baniels and his family along with him?
A Yes sir.
Q Burrell at that time was his slave? A They were when they started from here until the surrender come, there was no slaves after that.
Q What did he do about the matter when he got over to Fort Stockton? A Of course the understanding was that Mexico was a free state, and that this fellow Burrell and his family agreed to pay his transportation to Mexico and he was to work out the money.
Q That is for carrying him over to Mexico? A Yes sir.
Q When he started Burrell was his slave? A If there was any slaves after the surrender.
Q Burrell understood he was his salve at that time? A Yes sir.
Q And he held Burrell and his family in slavery until he got out to Fort Stockton? A I couldn't say.
Q Did he out at Fort Stockton make some kind of a release of them and brought them over there? A I couldn't testify to that, I wasn't present at the time it was done but that was my understanding.
Q At that time he agreed to free them and he was to pay him for carrying them a cross there? A Yes sir.
Q And that contract was he was to work out that bill over in Mexico when they got there? A Yes sir.
Q And after they got there it seems that Burrell went up to Chihuahua and refused to carry that contract out? A Yes sir.
Q And then he proceeded under the Mexican law against Burrell there? A Yes sir.
Q What government was in control of Mexico at that time? A the Liberals.
Q Was it a government of the Mexican people at that time? or Maximillian? A It was the Mexican people.
Q Do you remember what year that was? A That was in '66 I think, I was there in '66 and '67 and I think it was in'66.
Q Do you remember when you and Col. Bryant's party passed into old Mexico? A Very well.
Q What was that date? A I don't remember the date but I recollect the time.
Q You say you started in May or June of 1865 from Texas? A Yes sir.
Q How long were you on the way? A Well we must have been maybe 5 or 6 weeks, I don't know for certain, I can't recollect.
Q Then you probably crossed over into Mexico in July or August of 1865? A Yes sir.
Q Do you remember of stopping at some springs up near the line?
A At Leon Holes.

Q I will ask if when you started from Stocton what place in Mexico fif you intend to go? A Our calculation was to go to the State of Sonora, then we aimed to go to Chihuahua, after that we give out going any further.
Q Do you remember of stopping at some ~~of~~ springs about 20 or 30 miles of the line either Cotton Wood Springs, or some such springs as you stopped? A It was no place, only a hollow between two hills.
Q You camped there didn't you? A We camped there a little while
Q Now as a matter of fact during the time that you were in Mexico up until just before you left there Maximillian was the emporer of Mexico was he not? A Well I don't know that he was, he was not recognized in Chihuahua at all.
Q He had the capital city and was in control of the government?
A Yes he left the capital at Chihuahua ~~xxxChihuahuax~~ was in control of the Tradoras, that was a traitor to the Mexican government.
Q At any rate he was an adherent of Maximillian? A Yes sir.
Q And the city of Mexico and the government was in the hands of Maximillian? A The City of Mexico might have been but Chihuahua where we were was in the hands of the French.
Q How long did you stay there all together? A A little less than two years.
Q When you returned from Mexico, who, if any one, came back with you? A No one came back with me but my family, my wife and children.
Q When you came from Mexico to what place did you return? A I stopped up on Grand River.
Q I mean did you return to the Cherokee Nation? A Yes sir, to Cooweescoowee District.
Q So far as the contfact that was made between Col. ~~M~~ Bryant and Burrell Daniels and his family you know nothing only by heresay?
A Nothing at all.
Q When did you first see Burrell Daniels that you remember? A I couldn't remember that.
Q Where did you first see him? A Couldn't remember that.
Q Do you know that Col. Bryant's family was down in the Choctaw Nation during part of the war? A I do.
Q Were they in Arkansas too? A Yes sir, they were at Evansville.
Q Do you know whether they lived in Texas during the war? A Not only when they went there to go through.
Q During the time you were on this trip from Texas to Mexico, what did Burrell Daniels and his family do on the trip. A I think maybe Burrell drove a team.
Q Wasn't he a blachamith? A If he was, I don't know it.
Q What did his wife do on that trip? A I don't know unless she helped the women cook.
Q As a matter of fact Burrell Daniels and his wife worked for Col. Bryant all the way over there? A I guess they did.
Q You also had a herd of cattle that you subsisted on? A Yes sir we carried some beef cattle along with us.
Q And some cows? A Beef cattle principally.
Q About how many did you have with you? A About 50 or 60.
Q Did you have any oxen with you? A Yes sir, I had an ox team.
Q State if you know why Col. Bryant's family during the war sometimes lived in the Choctaw country? A Just cause they couldn't live up here.
Q Why couldn't they live up here? A Cause they were Southern people.
Q And then they lived down in Arkansas and the Choctaw country to get out of the way of the Yankees during the war time? A That is what they did.

Q You say you don't remember when you first saw Burrell? A Nosir
Q Do you re member anything about his belonging to a man by the name of Daniels at the commencement of the war? A No sir, I knew somw Daniels.
Q Did you ever know anything about his belonging to a man by the name of Johnson Thompson? A I knew Johnson Thompson.
Q Then when you first saw him he was with Col. Bryant? A Yes sir
Q Did you during that time see Col. Bryant in the Choctaw Nation at that time? A Bryant was there part of the time.
Q Do you know whether or not he left the Choctaw Nation to go to Texas at the time he started to Mexico? A He left the Choctaw Nation to go to Texas.
Q Did he go from the Choctaw Nation over into Texas before he started to Mexico? A That was my understanding.
Q Were you with him in the Choctaw country? A I was then about 3 or 400 yards of where his family lived.
Q Then you saw him in the Choctaw country before he crossed over into Texas? A Yes sir.
Q About how many slaves did Col. Bryant have in his party when he started to Mexico? A I don't know, I suppose 15 or 20, I couldn't by any ways correct, I never paid any attention to it.
Q There was something like 15 or 20 then? A I think so.
Q Now outside of Burrell Daniels family what family of the rest of these slaves did you know? A Some of them went to Mexico.
Q Are you sure about that? A I don't know?
Q As a matter of fact didn't your party including these slaves after they got down there to the line, didn't you all first cross over into old Mexico, slaves and all? A They all went with us.
Q Now you say the slave girl that belonged to your wife died in old Mexico? A Yes sir.
Q Now outside of Burrell Daniles family what became of the rest that were carried into old Mexico? A Some of them came back and some of them stayed.
Q Did you ever see any of those that came back? A I have.
Q Who were they? A One was a negro woman named Bettie that belonged to Mrs. Buffington.
Q What was the name of the other? A That came back, I don't know of any others. Lets see, I believe Bettie is the only one that I recollect of seeing to come back.
Q Where is she now if you know? A Up here about Choteau.
Q Is she still living A She was a year or two ago.
Q Do you know about how far is it from Chihuahua to Tahlequah? A No sir, I couldn't tell you.
Q About how far was it from Chihuahua to San Antonio? A I think it is about 7 or 800 miles, Maybe 900, let me see, it is from Chichuahua to Fort Davis is about 200 miles, and from Fort Davis to San Antonio I Think is 500 miles. Well, it is about 7 or 800 miles from Chihuahua to San Antonio.
Q Now can you give me an estimate of the distance from San Antonio to Tahlequah? A I would have to get a railroad map and figure it up.
Q When you reached Fort Stocton with this party about how far were you from the Cherokee Nation? A I would have to have a pencil and map to tell that.
Q About how many miles do you think it was? A That is too hard for me.
Q Now when you travelled over that country from this point in Texas from which you started to Mexico by the route you took, was it a settled country or wild and desolate? A It was settled until after you left the Colorado River, out west

here at the head of the Concho River there was no settlement there until you reached the Rio Grande. It is considered 90 miles from the head of Concho River to the Pecos, that distance is a desert, no water.
Q Then you had to carry water over there? A Yes sir.
Q Then that coutry was a wild and part of it an arid country where you crossed over? A Yes sir.
Q How did you subsist while you travelled over there? A We subsisted on meat and bread and water.
Q Did you carry the bread with you? A Of course we carried flour and we had beef and salt.
Q I understant that you say that fjust prior to Mr. Bryant's starting to Mexico you and he lived near each other in the Choctaw country? A Yes sir, my family and me and Bryant's family we lived close together w awhile.
Q How long did you live there before you went over into Texas? and started for old Mexico? A I expect about 12 months maybe.
Q Did all those negroes that he had with him there in the Choctaw Nation did he take with him to Mexico? A I couldn't say.
Q You don' know of any of the negroes that were with him there, that he didn't take, do you? A No sir.

BY MR. HASTINGS:
Q Now how many negroes did he get into Mexico with that you remember, your best judgment, about that? A I expet about 10 or 12.
Q Was there more than one family besides Burrell Daniel's family?
A Yes that is there was some other niggers, I don't know as any of them had any family they were mostly women.
Q Did they belong to Col. Bryant or some other members of the party? A Yes they belonged to Bryant and some, there was one that belonged to Lindsey's wife, and one belonged to Mrs. Buffington, a girl, and one that belonged to my wife.
Q Now I will ask about those slaves that Col. Bryant took over there, did he have any other besides the Burrell Daniels family and one other family? A Lets see, I think there was two other girls, maybe they called one Rainy and another girl,--- I forgot her name.
Q All of Col. Bryant's original slaves did not go to Mexico did they? A No sir, I guess not.
Q And they all didn't start with you to Mexico? A No sir.
Q You were not present when that contract was signed with Burrell Daniels to pay back his transportation to Col. Bryant? A No sir I was not present.
Q But you understand one was signed? A I couldn't recollect knowing about the contract, only it was my understanding that there was a contract of that kind.
Q And he sued him and got judgment upon this contract? Yes sir.
Q Now you were asked about your citizenship and that of Col. Bryant awhile ago and you laughed, why was that, is your citizenship a proposition that is in question, the intermarried whites of this country, there rights is in the Courts isn't it? A Yes sir, I guess so.
Q Well I am asking you, Col. Blue was asking you about whether you were a citizen and whether Col. Bryant was a citizen? A What I was laughing about he asked me if Col. Bryant was an adopted citizen, Well I don't know whether he had ever been adopted or not, he was married in to the Cherokee Nation.
Q He was a white man himself? A Yes sir, he married a Cherokee woman but whether or not he had ever been adopted I dón't know, adopting and marrying into the Cherokee people is a different thing aint it?

Q Do you know from whom Col. Bryant bought Burrell Daniels? A No sir I dont.
Q Now didn't you answer ahile ago that the first time you saw Burr ll Daniels was in Arkansas? A It appears to me that he must have been out on Frog Bayou, he rented a farm down there, maybe in '63 down on Frog Bayou, and he had some niggers on it, whether Burrell was amongst them, I don't know but maybe he was.
Q That is your impression, but you don't know? A My recollection aint very good.
Q How old are you now? A I am 80 years old.
Q Your recollection about these dates is not very good? A No sir
Q What became of the rest of these slaves that Col. Bryant had and subsequently went with him to Mexico, what became of them?
A Well when I left Mexico they were in Chihuahua, that is all I know about them, I don't know, I didn't come back with Bryant's people.
Q Did you come before him or after he did? A I started before he did.

BY THE COMMISSION:
Q How many Cherokee families were in this party that went to Mexico? A I don't know, lets see, in our crowd there was myself, mx was the oldest one, Lindsey and Buffington and Bennett, and Bryant himself.
Q They all had families did they? A Yes sir.
Q This party was then composed of Col. Bryant and his children and their families together with some of their slaves? A Yes sir.

BY MR. HASTINGS:
Q Was Buffington and Bennett son-in-law of Bryant? A Yes sir.

BY MR. BLUE:
Q Did Col. Bryant have any of the slaves of his mother along with him? A Yes sir.
Q How many were they of them with him when the party went to Mexico? A Three I think.
Q Were those the girls that you were speaking of ahhile ago? A Well there was one nigger man named Abe, he stuttered very bad, you could hardly understand him at all, and then there was a nigger girl Nealie and then the old woman, I dont recollect whether she was living or not.
Q What became of the other slaves of Col. Bryant that you say you and he didn't take to Mexico with him? A I don't know.
Q Had they runed off? A No sir I think not.
Q Where do you think they left them? A I don't know, some of them,--lets see-- I don't recollect.
Q As a matter of fact Mr. Baugh Col. Bryant took all the slaves he had with him when he started to Mexico? A No sir, he didn't.
Q Where di he leave any of them? A Well he left some of them on Red River I think.
Q Beofre he went down into the Choctaw country? A No sir, before he went to Mexico.
Q Had he sold them? A Yes sir I think he sold them to some fellows there for beef cattle.
Q Not the slaves? A These fellows that bought them I think were Yankees and they thought they would be allowed to keep them I reckon.
Q And you mean to say that he took all the slaves except what he sold at that time? Did he? A Yes sir.

Q Had all these sons- in-law of Col. Bryant that were with him there in that party been in the Confederate army? A. Yes sir.
Q About how many more confederate soldiers were there with him before he started to Mexico besides his sons-in-law and sons?
A Well I can't recollect there was some fellows, a little company I think there some men that started out that was but I don't know where they left us.
Q What was his name? A I think it was Captain Steward.
Q Did he have a company of his own? A Yes sir a small company, they all had left him but 10 or 15.
Q Then there was his company of 10 or 15 and Col. Bryant and his sons-in-law that started to Mexico? A Yes sir.

BY MR. HASTINGS:
Q You don't know how far he went with you? A I don't recollect where he left us.
Q Who all got to Mexico with you or do you know? A There was Bryant's family, and his sons-in-law and there was some other fellows that fell in with us, several that fell in along.
Q So you don't remember the names of the parties? A No sir.

BY MR. BLUE:
Q Did any other fellows that fell in take in slaves to Mexico?
A. No sir.

W I T N E S S E X C U S E D.

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R.W.LINDSEY, recalled by Cherokee Nation:

BY MR. HASTINGS:
Q Did you witness that written contract that was made between Col. Bryant and Burrell Daniels that was made at Fort Stockton? A Yes sir.
Q And it was made to cover the expenses and transportation of Burrell Daniels and his family? A Yes sir.
Q And you were a witness to it and signed it as a witness? A Yes sir.
Q Of course you don't know what became of that contract? A No sir.

BY MR. BLUE:
Q Did any of those colored people sign that contract themselves?
A No sir they signed it by mark.
Q Who wrote the names? A Lem Smith and Joe Bennett and myself witnessed it.
Q Who was Bennett? A A son-in-law of Col. Bryant.
Q What was Smith doing with the party? A Smith was an old friend that went with us.
Q He was and exconfederate soldier was he? A Yes sir.

BY MR. HASTINGS:
Q Daniels thoroughly understood the nature of that contract?
A Yes sir.
Q It was explained to him? A Yes sir.

BY MR. BLUE:
Q Who explained it to him? A Col. Bryant.
Q What was the contract? A It was that he was to pay so much money for the transportation of himself and family into Mexico, and that he was to work it out at the contract price, I don't know whatever that was, can't say about that.

BY THE COMMISSION:
Q What was this Fort Stockton, a small village or what was it?
A It was a small kind of a barracks it was, I suppose built to accommodate one or two companies for their protection, it wasn't very old, it was put up there during Buchannan's administration.
Q What was the nearest town to there? A I couldn't say, El Paso was about 200 miles.
Q What kind of a country was there around Fort Stockton? A There was prairie country.

BY MR. HASTINGS:
Q Were there any soldiers there at Fort Stockton? A No sir, and hadn't been for quite a while.

BY MR. BLUE:
Q That was a abandoned fort then? A Yes sir.
Q What was the nearest settlement to that fort at the time you were there? A I said El Paso or Presidio de Norte.
Q About how far was it? A About 200 miles.
Q Was there any houses in between there? A Well it was quite a distance to any of them.
Q This place you spoke of as Presidio de Norte is it near what is El Paso? A No sir, it was way down the river.

J. H. BAUGH RECALLED:

BY MR. BLUE:
Q In answer to a question of Mr. Hastings you said that Burrell Daniels asked this Governor of Chihuahua to pay this judgment, you don't know anything about that do you Mr. Baugh? A All I know about it is that it was my understanding that Governor Terasso paid Col. Bryant for their transportation because Burrell agreed to work the money out and he went to Terrasso's ranch, sheep ranch, and took care of sheep.
Q What I want to get Mr. Baugh you don't know how that happened to be done, you don't know anything about Burrell Daniels requesting it or anything of that kind? A No sir just my understanding.
Q Your understanding as I get it is that the Mexican Governor did pay that and took these people and put them out on the ranch? A No sir, I don't know about them, but I am satisfied that he never did without being asked.

BY MR. HASTINGS:
Q Why are you satisfied? A Well if he ~~xxxxxxxxxxxx~~ hadn't I think I would have found it out.

C H E R O K E E N A T I O N R E S T S.

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This case was here continued until 1:15 P. M. this day.

The following testimony was untroduced on behalf of the applicants.

BURRELL DANIELS, being first duly sworn, testified as follows:

BY MR. BLUE:

Q What is your name? A Burrell Daniels.

Q Are you the same Burrell Daniels that has testified before in this application? A Yes sir.

Q Did you know Col. Bryant? A Yes sir.

Q Where did you first know him that you remember? A When I lived up there on Grand River.

Q Did you know him before the war began? A Yes sir.

Q Did he ever after the war began get control of you? A After the war began, a long time after it commenced I was put with him with his command, me and a whole drove more.

Q Who put you there? A Our owners put us there to keep us out of the way of the Yankees.

Q Was that all done at once or from time to time? A Done when they had us on a retreat down here when we got out here about Skelleyville, Choctaw Nation.

Q Did you have a family then? A Yes sir.

Q Where were they? A My wife belonged to Johnson Thompson, and Lewis and Abraham, and Tom and Sarah I believe they were my oldest ones, and Nancy.

Q What became of your wife and children when you were put with Col. Bryant? A They were with thw white family, with Mr. Bryant family.

Q Do you mean by that that Col. Bryant took charge of you and your family? A He told us all the time we were with him to keep us out of danger.

Q Were your family with him the same as you were? A Yes sir, they stayed with his wife and he taken me out in the army with him, and the rest of them worked around the family.

Q How long were you with him during the war? A I think it was over two years, while the war was going on.

Q Do you remember being with him in Arkansas at any time. A That was when he first put us with him.

Q At what place in Arkansas? A On Frog Bayou below Van Buren.

Q Who had that place in control at that time that you know of?

A I don't know who was the owner of it, it was turned over to him.

Q Turned over to who? A Mr. Bryant, I didn't know who was the owner but he took charge of it and put in a crop there, but I don't recollect whether he gathered the crop or not.

Q Did you work on a farm there? A Yes sir.

Q Did those other colored men work there too? A Yes sir, I worked there but most of the time I was out with him.

Q What did you do with him when out with him? A I cooked and drove a six mule team.

Q After you left Frog Bayou to what place did he take you? A He carried us over to Fort Smith and camped a day or two and then we were taken down the Arkansas River to Dardenell and before the winter was out he carried us in below Doaksville, and then after a while he carried us up above Doaksville.

Q Where were you in down there about Doaksville? A In the Choctaw Nation on the Red River.

Q At what place in the Choctaw Nation did he keep you at the time he had control of you? A We were down there below Doaksville awhile and moved from there above Doaksville on the Red River and stayed there until the war ended, moved the family up there, the colored family and his family.

Q You were then in the Choctaw Nation were you? A Yes sir.
Q About how many colored people did he have there in that neighborhood at that time? A He must have had about 30 or 40, something along there, little and big.
Q Do you know to whom those colored people had belonged before that time? A Some of them had belonged in the Nation here, and some of them belonged to some persons in Missouri, and some of them belonged to somebody on Grand River, and some of them were his own.
Q Do you know whether any of his mother's slaves were along? A Yes sir, his mother was along with him.
Q Col. Bryant's mother? A Yes sir.
Q Did you know a Mr. Baugh, a son-in-law of Mr. Bryant? A Yes sir.
Q Do you remember any other sons-in-law? A Yes sir, Mr. Lindsey, John Buffington and Joe Bennett.
Q If he started to old Mexico from what place did he start? A From up there above ~~Skullyville~~ Doaksville, he never started until the war ended and everybody was going home, he come and told us to get ready we were going to march and he marched us over into Texas, and some of the niggers were talking about running off when he said he was going to take us along, and he said he was going to kill the niggers that runed off, and Joe Bennett told him to kill old Burrell and he wouldn't have any trouble, and he called me up and asked me if I was trying to get them to run away and I told him no, and they took us then and carrie d us further over into Texas and they was cutting wheat with cradles and we worked there and after this and started out for Austin, Texas, and when we got to Waco and crossed the river and got on the other side of Waco, and camped, his men want back into town and broke into stores and he had to leave there, and then struck out for Austin and was going to Austin met a runner stating the Northern Troops were in Austin and then struck out across the plains.
Q Where did he go to then? A He travelled I reckon about two weeks, got clean out the settlement and camped, picked out some of his best men, Captain Stewart, Lieut. Thomas, Lieut. Gatterson and sent them back to east Texas and they bring out 1500 head of cattle.
Q About what place was it that they went back after the cattle? A I couldn't tell, it was way out on the plains wuite a goods ways from any settlement.
Q What did they do with that 1500 head of cattle? A Carried them along with us and a crowd got after us and we were two nights and days without anything to eat or water.
Q You mean to say he and his party and stock travelled how long? A Marched us all night and all day, told us we had to keep kicking there was a crowd after i us.
Q What did you do then? A Travelled until he thought we were out of danger and then camped so as to let the stock graze and after a day or so we started on again.
Q Did you continue to travel? A Yes sir, until we got to, I don't know exactly how long we travelled, we travelled until where the United States used to have troops and there he stopped and rested awhile. He stopped there like this evening and the next morning made us all form a line and told us to come up and sign a paper he had made.
Q Who do you mean by saying all? A All the colored men.
~~Q Did you form the line? A Yes sir.~~
Q Then what did he say to you? A Said to sign this paper and the first nigger kicked why he would kill him and let the wolves eat his bones, and when we got to Mexico he was going to put us on a farm and get even with us.

Q What did he do there when he had you in line and told you that?
A Nothing but to sign it.
Q Did you sign your names? A No sir, he signed it and we touched the pen.
Q Was there anybody there with you who saw it? A Yes sir I have a boy there.
Q Do you remember any white men? A Yes sir, his soldiers and all his sons-in-law.
Q How many of his soldiers did he have? A I don't know exactly, had a little squab of them, maybe 35 or 40, maybe more.
Q Were they armed or not? A Yes sir, all had arms.
Q How did you travel across that country? A All of them colored men were driving mule teams.
Q You say his sons-in-law were there when you signed this paper?
A Yes sir.
Q Were they armed or not? A Every one of them were armed, they had the arms on them that were in the war with.
Q Do you remember Lindsey one of the sons-in-law? A Yes sir.
Q Was he there? A Yes sir.
Q Do you remember whether he witnessed the contract or not? A Yes sir they were all there.
Q Now you state to the court whether you went with him to Mexico of your own free will? A I did not, I have got to die before long, and it would not be honorable for me to tell a lie. He made us go.
Q Was that true of all you colored people? A Yes sir.
Q About how many of you men that he made sign that contract that day? A Me, Tom, Joe, Uncle Edwin, I think there was six of us, just the men, no women.
Q At that time about how many colored people did he have with him out there at that fort? A We had a lot of women and children, every one of them had children, about two or three girls.
Q Are you able to state about how many there were of them? A My woman I think had Lewis, and Abraham, and Tom, and Nancy, and I think Sarah, and then there was another woman alongxxxx that had two children but as he was going through Texas he sold Rainy and her chhildren and the balance he carried on.
Q To whom did Uncle Abe belong? A Mr/ Bryant.
Q To Mr. or Mrs. Bryant? A I guess to Mrs. Bryant.
Q Is that the old lady? A Yes sir.
Q Col. Bryant's mother? A Yes sir but he had them with him all the time.
Q Now those colored people that were with him at this fort all go over into Mexico too? A Yes sir all went over into Mexico when across the Rio Grande travelled on about 160 miles from the Rio Grande camped us there by a Mexican French called Talliope.
Q How far was that from Chihuahua? A One mile.
Q After you got to Mexico what occurred in regard to you colored people over there? A Every day ot two a Mexican would come out in fine carriages and carry off the girls and boys and told him they would pay him so much money apiece for them and xxxx asked him if they were citizens. I got up one night about midnight and went up to the city and hid them.
Q Then what occurred? A I suppose he went before the French general and taken oath of allegion and had a writ issued from the French and come down and arrested me and marched me and my family down the strect and an American merchant there met them and told them he had runed off with us, that we were free when we left here and that throwed it into court.
Q Told them Col. Bryant had runed off with you? A Yes sir.

Q Then what was done? A While they were trying the case stepped in a little man very fine dressed and he came in and asked Mr. Bryant and talked French, Mexican and English and said he wanted to have a word to say to Mr. Bryant and asked him when he started from the States with these niggers and he told him and he asked him how long you were crossing the plains with these niggers, and he said three months, and asked how come him so long and he said took it slow and asked him what this man was doing here, and he said drive my team, he asked him what kind of a team and he said six mule team, he asked him what did these nigger women do and he said waited on my mistress, and he asked him what these little boys did and he said drove my stock; and he said he turned off with these niggers and he sent a runner to Maximillian that he turned off, and the runner came back and Maximillian said let them be and he turned around to the court and asked him if it be that, and he asked Mr. Bryant how much they owed him, and he said $500.00, and he asked him if any niggers ever owed his master, and Mr. Bryant didn't answer, and he turned around to the French officer and told him to run it up as much a piece for this man, woman and they summed it up and knocked it down to $113.00.

Q They put that in as a counter bill against Bryant's claim? A Yes sir.

Q That reduced it to $113.00? A Yes sir, and the Mexican Governor got up and said I have no say so, if I had I would have turned them loose when you first came here and he paid the $113.00 and sent us out on the ranch.

Q Was that the man before whom you were tried? A That was the Mexican Governor, he put us out on the ranch and worked us 3 or 4 years, they give me $8.00 per month, my wife didn't get nothing and my little boy sometimes would get $1.50 per month to herd sheep and while I was working there, I was on the road which runned from Chihuahua to El Paso came a man moving his store from Santa Fee and he asked me what we were doing there, and he said my wife is from New York and I am going in and pay you all out from here, and I will give you a chance to get out of here, and went on in, and a Spanish man came to the ranch and said the Mexican Governor said for us to come to the city and asked what he paid for us and he said $250.00, and we went to work, she nursed for the madam and I cooked.

Q That is this party that paid you out? A Yes sir, he give us $8.00 a month apiece, and we worked this $250.00 out with him.

Q Then what did you do? A When I got through that I worked around my wife was expecting to be confined and after a month until she got straight and I left her there with Mr. Brown, a lumber man and I followed a train of wagons from the City of Chihuahua to the Rio Grande and the Government had wheat shipped out of Mexico.

Q What Government? A The United States Government, grinding it for the forts up and down the Rio Grande.

Q You say the United States Government had wheat shipped out of Mexico? A Yes sir they shipped wheat and had a mill right on the bank of the river.

Q Grinding this wheat for the use of the United States soldiers? A Yes sir.

Q When you got through there, what did you do? A I went to work there and I cooked for the boys and worked in the mill at nights for about ten months and kept money going back to my family to keep them up and finally came a Mexican train from San Antonio, Texas, went into Chihuahua and he promised to bring my family to me for $15.00, and he brung them to me for $15.00, and they stayed there

with me until another train came along, an American one and an American driver by the name of Mr. Grover, and they went on to the City of Chihuahua and when they returned back I told them that I wanted to go to San Antonio with them if I could. I told them I had a big family but didn't have enough money to pay them and he asked me if I could shoe mules and I told him yes, and we crossed on the train, and every time we stopped and rented I would shoe 3 or 4 mules, and when we got to the City of San Antonio, I went to him and asked him what he would charge me and he looked at me and laughed and said, you have done better to me than the blacksmith ever done, and he said the mules were better shod than they ever was, and he gave me $10.00 and told me to go and rent a house.

Q That was at San Antonio? A Yes sir and after I left the Rio Grande and got to Fort Davis the United States give me rations to Fort Stockton and there they give me rations to Fort Clarke, and from there they give me rations to San Antonio.

Q That was when you were travelling with the train? A Yes sir.

Q What did you get working there at the mill for the government?

A I got $25.00 a month and sent a big part of it back.

Q When you reached San Antonio how much money did you have? A I don't guess I had any.

Q You got $10.00 from that train master? A Yes sir.

Q Outside of that did you have any oth er money of any consequence? A No sir, I don't think I did.

Q What did you do there at San Antonio? A I went to work there I reckon about a year and not being used to the climate and water I took down and was down to near a year and the City Doctor had given me up to die, and I was very sick and the doctor came around from New Orleans and took hold of me and stayed with me until I got up.

Q Now during the time you were down sick did your family do anything? A My wife washed and the boys worked around the hotel.

Q Did they save up any money while you were sick? A When I got up I borrowed the money and paid the doctor bill from a policeman named Sol White lened me $25.00 to pay my doctor bill and as soon as I got able to I went back 35 miles from San Antonio on a ranch and went to work, me and the boys.

Q How did you work there? A Put in grain and cotton on the halfs and the first year I came out a little in debt.

Q Now you tell what this farm contract was that you worked under?

A The rent was half renters and I don't care how much you made everything you ate came through their hands and you had to sell what you raised to them and whenbyou got through they might say you were ahead or you were in debt.

Q When you say hal f rents that means half you raised and when you went to the stores you bought the stuff from them? A Yes sir.

Q Then at the end of the crop season what was the consequence, how did you come out of it? A At the end of the crop season he said I owed him $300.00 and took the crop for it.

Q What did he say about your coming away? A He would not let us come away, we were in debt a little and said we had to stay there and put in another crop and we did stay and we put in another crop and took up and I left anyhow.

Q Where did you go then? A Back to San Antonio.

Q Then what did you do? A Worked around there awhile until I got a little money and there happened to be an excursion starting out and the old lady said she wanted to come back and we taken that excursion train and stayed on it until we got to Winnsr, Texas, and they put us off there.

Q Now you said you loaded up and went down to San Antonio, did you have a team there? A No sir, I never had any team.
Q What did you have there? A I hired a man to haul us away.
Q Did you have any money at that time? A No sir didn't make any, didn't get any out of the crop.
Q The owner still claimed you owed him? A Yes sir and after I get to San Antoinio he came in and told me if I would come back and go to work he would give me $30.00.
Q Now then when you got up to Wimer what did you do then? A I went up to place near Holdman Valley and raised cotton.
Q Was that in Texas? A Yes sir Page County, near Wimer I put in a crop there and gave half I made and I come out even and I was going to quit and go to another man named Mr. Wimer and the man that I rented from came out and said here don't you leave here, my brother had made a kick about this half rent, claimed that we were starving the poor people and said out of every four bales you give me one and take three, and give me one and you take two thirds of the grain, and I stayed there and went through that year and I believe me and my son made 15 bails turned in my rent and paid up all our debts and everything and we had money enough to come to Muskogee, and when we went to start, and the l ast day settling up my wife was with me and they come down there and told us not to leave, and said you have just got to stay here another year and I will fix it so you can get a little piece of land up on the prairie, and my wife told him no she couldn't do it, and he said you had better not do it for I read in the newspapers that those Cherokees were killing niggers and floating down the river, you had better not go, but we didn't stay.
Q Then what did you do after you come to Muskogee? A I went down here and found mu mother, got here in the fall and the Cherokee council just had adjourned and I worked for a lawyer called Bird Harris, and I went to work for him and fixed fence.
Q Was that in the Cherokee Nation? A Yes sir, out here just the other side of that church and I worked for him and made a crop and moved down to Mrs. Nivens.
Q Was Mrs. Nivens place in the Cherokee Nation? A Yes sir.
Q Then what did you do? A The next fall come after the time we got here I went to the Cherokee council, Gus Ivy and George Butler got up a bill and carried it in and had it signed up and all the half breeds signed it up but the full bloods and they got up and made speeches said that we were carried to Mexico and kept there so many years and said we had a right but they every one signed it up and George Butler got a room where there was nothing but full bloods and George told them he wanted them to sign it up, that this old darkey had been to Mexico a long timeand they studied so long that he told me to go in he wasn't going to fool with them, we can make up citizens without them damn Indians and Mrs. Bushyhead said you have got plenty of time and told them to go on home and they would see if I got mu citizenship and when Wallace enrollemnt come on Mistress sent for me old Mrs. Daniels, at Vinita, and I was put on the roll up there.
Q On the Wallace Roll? A Yes sir, she sent two colored men up as witnesses for me, and when Kern-Clifton come they sent me a letter to meet the enrollment in Tahlequah, I don't know it was written to me by some of them Cherokees, I went and Mrs. Bushyhead got up and witnessed for me and had them take my name amd send it to Washington to the Secretary to act on it. Mr Hastings was there and seen that.

Q Was any of your family besides that? A Every one but Tom and Lewis, didn't get their names right.
Q You mean by that they made a mistake in putting those two on?
A Must have they didn't get them on but get all the balance.
Q Who was the Chief of the Cherokees when you came back that you know? A Mr. Bushyhead.
Q During the time that you were with Col. Bryant on the way to Mexico and after you got there until you got back to the Cherokee Nation where did you intend to go to when you got so you could go?
Mr. Hastings: I object to that as not being a legal proposition

A I always intended to come to the Cherokee until I got here.
Q During all that time where did you consider your home? A Cherokee Nation.
Q Did you ever at any time have any home anywhere else? A Never did.
Q Why didn't you come back to the Cherokee Nation sooner? A I wasn't able to ~~xxxx~~ I had a house full of little children and sometimes I would get to working, worked out and couldn't save enough to come up and just as soon as this railroad got to San Antonio we taken the train then and kept a travelling until we got here by working along.
Q Now was there any time during all that time in your power to get back here any sooner than you did? A It was out of my power I had nothing to come back here with.
Q As soon as you got the money you came back? A Yes sir.
Q Now when you got back into the Cherokee Nation what did you do in the way of fixing a home for yourself and family? A I just worked around in the Creek Nation and in the Cherokee Nation just where I could get good wages.
Q Have you ever had a home anywhere else except in the Cherokee country? A I built a little place down here close to the line in the Creek Nation, went back over into Canadian awhile and lived.
Q How long were you at that place in the Creek Nation? A I don't know, maybe two or three years, sold it for some stock and moved back in the Cherokee Nation.
Q Do you remember what year it was that you had a place over there? A No sir I couldn't tell you exactly I can't read, I couldn't tell you ~~xxxxxxx~~ what year it was; I have been living on Caney River about 9 or 10 years up in the Cherokee Nation.
Q Coming back to this fort to which Col. Bryant took you, do you remember the name of that fort? A Fort Stockton.
Q At the time he compelled you colored men to sign that contract about how far was it from that place to any settlement that you know of? A There was no settlement.
Q According to your best judgment about how many miles were you to any settlement? A I don't know exactly how far it was from Stockton to Davis and after we got to Davis it was 90 miles to the Rio Grande.
Q On the day you were set free did you have any teams or horses any way to get away from there to Waco? A No sir never had any way.
Q Did you have anything of your own to eat if you had started back from there? A No sir nothing at all.
Q During that time did you ever say to him or to any of his people that you wanted to go to Mexico or that you were willing to go to Mexico? A ~~No sir never asked~~ none of us. After he moved from the Choctaw Nation to Texas he called us up and said he heard some of us were talking about running away and he said he would kill us if we did, had a great mind to kill us anyway.

Q At the time you say he told you you had to sign this contract, just tell me what he said at that time? A He turned said he heard some nigger murmuring back there in the crowd and if he deep it again I will kill you and let the wolves eat you right here.
Q What did he say about carrying you into Mexico? A He said I am going to carry you over and put you on a farm until everything gets peaceable here and I will fetch you back to the nation.
Q Do you know anything about where that 1500 head of cattle came from of your own knowledge. A No sir he sent men back and got them.
Q Do you know who brought them back to his camp? A I know the officers, Captain Stewart, Lieut. Gatterson, Lieut. Thomas, Lem Smith and Joe Bennett, Bennett was a son-in-law.
Q Who was this man Smith? A A soldier of Bryant's.
Q Had lived with him before the war? A Yes sir.
Q What became of that 1500 head of cattle? A Took them to Mexico and sold them.
Q Kill any of them on the way to eat? A Yes sir.
Q Did he have any cattle of his own when he started from Texas?
A Yes sir had a few, bunch of cows, in driving through the settlements of Texas these cows, we had a little boy to drive them and he would tell the little boy to get around there and mix them and carry them on.
Q As you drove along? A Yes sir make a little colored boy drive them in and take them along.
Q Do you know anything about what provisions he had with him when he started from Texas? A Yes sir I was driving a six mule team. It was loaded with flour, he killed a beef now and then for his own family.
Q In crossing over the plains there for whom did you work from the time you left Texas to Mexico for yourself or some one else?
Q Drove a team for the Colonel.
Q For whom did your wife work? A Cooked for her mistress.
Q Did he say anything at Fort Stockton or any place about freeing you? A No sir said there was no freedom for niggers, and that the Yankees were going to take them off and put them on the cotton plantation.
Q When did you first learn about the Treaty of 1866? A When I come to the Nation here.
Q From whom did you learn it? A Mrs. Nivens and Mr. Harris.
Q Had you at any time before that known anything about the Treaty of 1866? A No sir, never did, where I lived I was in Mexico 6 or 7 years, never heard a thing of it.
Q Did you hear anything about it while in San Anteinio? A No sir not until I got back here.

BY MR. HASTINGS:
Q Burrell what year is this? A I can't read, I can't tell you what year it is .
Q You testified before that you came back here during Bushyhead's second administration, didn't you? A I testified that I came back here a year--the council adjourned and the next year I went and he was Chief but I don't know whether he was Chief when I got here the year before that.
Q Didn't you testify when you were on the stand before that it was during Bushyhead's second administration? A I couldn't tell.
Q Did you testify to it? A I don't recollect.
Q George Butler knew when you got back didn't he? A I told him I got back the fall before we got to Tahlequah.

Q Now he testified in your behalf and it is in evidence that you got back in 1884, do you think that is about our root? A I don't know sir.
Q He knew when you got back, didn't he, you told him? A Yes sir he knew when I got back, but I don't know whether he stated it to in counsil or not.
Q But he has testified in your case since this case has been pending before the Commission and he testified that you come back in 1884, do you think that is correct? A I don't know.
Q He testifaid as your witness didn't he, you brought him before the Commission? A He went down there before the Commissioner.
Q Well before this Dawes Commission he testified for you in this case hasn't he? A I said he did, I didn't see him.
Q And he testified as your witness than didn't he? A Yes sir.
Q Now if he testified that you come back in 1884 you aren't prepared to dispute that you stand by your own witness? A Yes sir.
Q That is the first time you had ever been back to the Territory after the war? A Yes sir, but I don't know what time it was.
Q Didn't Col. Bryant give you your discharge out at Fort Stockton?
A No sir.
Q Didn't give you any discharge? A No sir didn't give me any discharge, never until he get that money.
Q And that was over in Mexico? A Yes sir.
Q Was that in 1865? A I don't know when it was.
Q But he did give you a discharge there? A No sir but he sold me to the Mexican Governor.
Q I think you said he got it into court and the Mexican Governor said you owed him $113.00? A The Mexican Governor paid $113.00 to him and put me on the ranch.
Q That was in the Mexican court there? A No sir it was the French Court, the French General took care for us to be turned loose.
Q He testified that you owed him $113.00 for transportation? A Yes sir.
Q That was for you and your wife and your children? A They claimed $500.00 but cut it down.
Q That is what they got wasn't it? A Yes sir.
Q After that Mr. Brynat never had anything more to do with you?
A No sir.
Q How long did you work for that fellow Terasse? A I worked 5 or 6 years.
Q You worked for $6.00 a month did you? A Yes sir.
Q 6X12 would be 72, wouldn't it? A I don't know.
Q It wouldn't take you two years at that rate to work you out?
A No sir you couldn't work it out, every year you worked you owed more.
Q Now you testified that you stayed in Mexico 5 or 6 years? A Yes sir, and I swear to it, there was three children born there.
Q You stayed in Mexico all told 5 or 6 years, is that correct?
A Yes sir.
Q You went there the year the war closed? A Yes sir.
Q Then that made you come to the United States ither in 1870 or '71? A No sir it didn't, the man that paid me out, I worked for him at $8.00 for my wife and myself until I paid $250.00.
Q You said you stayed in Mexico for 5 or 6 years? A I stayed on a Mexican ranch 5 or 6 years.
Q Then where did you come to from the Mexican ranch? A I went out and worked for the man that paid me out and carried me into the City.

Q How long did you stay there? A I must have stayed there 15 months.
Q Then where di you go to? A Around town and worked awhile until I got ready to come to the Rio Grande.
Q Then where di you go? A I come to the Rio Grande.
Q Then you stayed as I understand, 5 or 6 years with the Governor of Chihuahua, then about 15 months with different people for whom you worked, then about a month or two before you went to the Rio Grande, that made all told about 18 months? A I left my family and come to the Rio Grande and worked there about 18 months and sent money back to my people.
Q How did you send it back? A I went over across the river to the merchant and he sent it back to them.
Q And from the 5 or 6 years that you stayed with the Governor of Chihuahua, then the other time, 15 months, and then some two or three months added to it, would make it in all 7 1/2 year all told that you stayed in Mexico, wasn't it? A I stayed in Mexico I expect something near 8 years, the first child growed to be that high (indicating) right on the Mexican ranch, and the next one got up to be a good sizelad, and the next boy, he is Here now, he was about 6 months old before I left Mexico, the last one.
Q Which one is that? A Burrell.
Q Then how old is he? A I don't know exactly.
Q He is given in to be here in 1901, Burrell's age was given in as 30 years of age, is that about correct? A We just made a guess at the ages.
Q Was that your best judgment under oath at that time? A Yes sir
Q Now then this boy was about 6 months old when you left Mexico?
A I think so.
Q Then if he was born in 1871 you left Mexico about 1872, the latter part of '71 or '72? A I can't say, I don't know, I can't read.
Q You know his age was about 6 months old when you left there?
A Yes sir and when we got here, the first roll was the Wallace Roll and we just guessed at the age, I donn't know my own age unless I go to Tahlequah.
Q This card here, R-390, gives your boy, Burrell H. Daniels, age as being 30, and this is dated December 17, 1901, do you think that is as near as you know correct? A I don't know, it might be just about it.
Q Have you any children born since Burrell H. was born? A Yes sir, Lizzie and Mack were born.
Q Where was Lizzie born? A She was born at Hill's ranch.
Q Where is that? A The last place I stayed before I come here.
Q Where was Mack born? A In San Antonio.
Q Is he alive? A Yes sir he is here in town.
Q Mack's age was given in 1901 as found upon R Card 392, as being 25 years old; do you think that is about correct them? A Mack is older than Lizzie.
Q I have not mentioned Lizzie's age, I said xxx Mack was given as 25 years old in 1901, is that correct? A I don't know.
Q But you know you were there in San Antonio when Mack was born?
A Mack was born in San Antonio and Lizzie was born on Mr. Johnsons ranch before I left there.
Q Is Lizzie a year older than Mack? A No sir.
Q Which is the older Lizzie or Mack? A Mack, he was born in San Antonio before we ever went x to Johnson's ranch.
Q How many children did you have born in the state of Texas?
A Three I guess.

Q What are their names? A Lizzie and Mack and Robert.
Q About how old was Robert when you left there to come to the Cherokee Nation? A He was just a little kid, I don't know just exactly, how old, just a little child.
Q About how old was he? A I couldn't tell you to save my life.
Q Was he a baby two years old or three? A Just getting so he could talk, just learning to talk.
Q Do you think he was a year old or two years old. A He x was a year old.
Q Do you know whether he was two years old? A I don't know whether he was two years old or not.
Q According to this card Robert was born in 1881 then that would make you come here about 1883, is that about correct? A I don't know unless I could read, I couldn't tell.
Q Now then according to your statement you stayed in Mexico between 7 and 8 years so you came to Texas in 1872 or '73, now then according to your own statements you lived in Texas from 10 xx to 12 years? A No sir, I don't know.
Q Now if you come there in 1872 which is the best we can get at it from your own statements, where did you live the first year? A I lived the first year in San Antonio.
Q Now what did you do? A Worked around on the streets.
Q What did you get there? A I got enough to keep my family living, we paid house rent, yes sir.
Q How old was your oldest boy then? A I hired them out around the hotels.
Q How old was your oldest one? A I don't know exactly how old he was.
Q How old was your oldest boy when the war came up? A Big enough to drive cattle.
Q Now then 12 years after that they were up nearly grown then were they? A I hired them out as little boys and got the money.
Q How long did you live at San Antonio? A Lived there a year and went from there to Mr. Johnson.
Q Where did he live from there? A About 25 miles.
Q What did you do out there? A Farm.
Q Did you farm on the shares? A On halfers.
Q How long did you farm for Mr. Johnson? A Two years.
Q Where di you go from there? A Back to San Antonio.
Q What did you do in San Antonio then? A I worked around there until I got money to leave.
Q How long did you stay there? A Around there two or three months.
Q Where did you go from San Antonio then? A The excursion left there and I came to Wimer, Texas.
Q How long did you stay in Wimer, Texas? A Two years.
Q What did you do there? A I farmed.
Q Then where di you go to? A I came to the nation.
Q That don't tally with the number of years? A No wonder I stayed in Mexico so long I couldn't tell how long I stayed in Mexico.
Mr. Blue: I object to this, witness states that he does not know, and it is shown here and he has answered that I expect 20 times that he did not know, I object to this method of examining the witness, and I think it is not necessary to ask an old man 25 or 30 times, it does not seem to me to be lawyer like.
Q When was the first child you had born in Mexico? A Elmira was the first one.
Q She was born in Mexico was she? A Yes sir.

Q What is her name now? A Elmira Daniels I guess.
Q Is she living? A No sir she is dead.
Q What is the next one? A Ruthie.
Q Did she die there? A Yes sir she died there.
Q What was your next child? Burrell H. was born in the City of Chihuahua.
Q You come to Texas about 6 months after Burrell H. was born?
A I don't know.
Q Aint that what you testified to awhile ago? A I don't ~~remember~~ recollect how old was he.
Q What did you tell me awhile ago? A I told you he was born in Chihuahua, you went
Q I asked you how old he was when ~~[illegible]~~ to Texas you said he was born in Mexico, now how old was he when you left Mexico and went over into Texas to San Antonio. Didn't you testify awhile ago that when you went over into Texas he was 6 months old? A He may have been and may be been older.
Q Is that your best judgment? A Yes sir.
Q When was your first child born after you got over into Texas?

Mr Blue: I object to that for the reason that that must be about 6 or 8 times since that question was asked.

Q When was the first child born in Texas after you came from Mexico?
Mr. Blue: Th same objection as above.
A Mack was the first child born after I left Mexico.
Q He was born ever there in Texas was he? A Yes sir.
Q The atterneys ever here---you never did get set admitting you over here did you? A They made a bill and all signed it but the full bloods.
Q You never got any copy of the bill to file here did you? A They said they were going to give me a record.
Q Who said that? A All of them in council.
Q Who did you see there? A All of the men in the Senate where I went and made application.
Q Did they give a copy of the bill admitting you? A No sir they didn't admit me but said they were going to do it.
Q They never voted to admit you did they? A I don't know anything about the voting, they sent me a letter to come over there and put me on the Clifton Roll and you were there and saw that done.
Q Butler testified that you came back here in 1884? A I don't know, I was out doors when he made the talk.
Q You know he never testified to anything except your return?
A I don't know about that.
Q Was this man Lindsey present when you singed that contract?
A He was right there.
Q He heard Col. Bryant threaten to kill you down there did he?
A Yes sir.
Q Did he sign the paper as a witness? A I don't know what he done Bryant taken us and carried the paper in to the tent, I don't know what he did/
Q Did they have a paper over there in the Court in Mexico When the matter was tried. Did they have this paper over there in Mexico when Mr. Bryant had you up there? A Yes sir, had sold 7 niggers.
Q I mean this contract that you signed with him, did he have that over there? A Must have had it, I don't know whether he had it in court or not, he had it.
Q How many cattle do you say they drove across Texas into the Mexican side? A They claimed there was 1500.
Q These men that went along with Col. Brynat were not soldiers but

it was customary for everybody to be armed? A They were Mr. Bryant's soldiers, never quit him.
Q Did they march along all the time as a company of soldiers?
A Yes sir.
Q Then you don't know what year you left Mexico do you? A No sir.
Q You don't know what year this is? A No sir, I stayed there a long time, have to sum it up, I stayed I guess 10 years down there.

BY MR. BLUE:
Q Do you read and write? A No sir.
Q Can you sign your own name? A No sir.
Q Have you ever been able to read or write or sign you own name?
A No sir.
Q Now whne this Mexican Governor took you and paid Col. Bryant $113.00 from that time on did he make any statement to you of how much you had earned or how much his account was? A No sir only told me to come to the ranch and work he would give me $6.00 per month.
Q Did you take your family with you? A Yes sir.
Q Did you ever work out there for him? A Yes sir.
Q Did he ever make any statement to you about how much principal and interest amount to and how much he owed you? A Never did.
Q And when this Jew come along he got $250.00 from him? A Yes sir.
Q Do you know how long you had been with the Governor when the Jew came along? A Something near 6 years.
Q Then you worked you think how long for the Jew merchant? A I think about 15 months until I worked out $250.00 at $16.00 a month.
Q That was for yourself and wife? A Yes sir, got $8.00 a piece.
Q And you think that was about 15 months? A Yes sir.
Q Then you stayed there 3 months more to get something to go away on that would make 18 months? A Yes sir.
Q Then you went over the line and worked there 18 months? A Yes sir I went on a sheep ranch and worked there about a year.
Q Who was that for? A The Mexican Governor.
Q That was in addition to the time before stated you worked for him? A Yes sir he took me off of the ranch and put me on a sheep ranch one year.
Q That would be 6 or 7 years you worked for him? A I would not be surprized if it wasn't 8 or 9 years.
Q Then you don't know how long you were over there? A I don't know, after staying there so long, I had a little girl by the name of Elmira that died there, she was 6 I think when she died.
Q You spoke about having gone over to Tahlequah to council, Mr. Hastings was asking you about a man that testified for you over there, did you meet him at Tahlequah? A No sir I met him at Gibson, he went on and on and said for me to come on and tell them what I knew about it.
Q You came back first to Muskogee then went over in the Cherokee Nation? A Yes sir.
Q When did you see Butler after that time? A I come here and went down where I found mother and stayed one year until next fall, and then I saw Mr. Butler.
Q You had been here then one year or a little more when you went to Tahlequah? A Yes sir.
Q And when you got there you found Mr. Bushyhead was Chief? A Yes sir.
Q Did you tell Butler when you came back? A Yes sir.

Q Then you mean that it had been about a year from the time you landed here or a little more when you saw Butler over there? A Yes sir.

BY THE COMMISSION:
Q When you started to Mexico with Col Bryant at the close of the war how many children did you have? A Lets see, I had Lewis, Abraham, Tom, Nancy, Burrell.
Q You had these children before you started to Mexico? A Yes sir before I started from there back.
Q Now I am talking about the children you had before you went there? A I had Lewis, Abraham, Tom, Nancy and Andy.
Q You had these children before you went to Mexico? A Yes sir.
Q You say you started down to Mexico with Col. Bryant at the close of the war? A Yes sir.
Q How many children did you have when you started down there?
A I had Lewis, Abraham, Tom, Nancy, and Andy.
Q How many of these children are living now? A Lewis is dead and Nancy, and Abe, I don't know where he is.
Q Did you leave Abe in Mexico? A Left him in San Antonio.
Q What children were born in Mexico? A Burrell was born there. the others died and were buried there.
Q Gove me their names? A Mimira, Ruthie, Burrell was the next .
Q After you came back to Texas how many children were born to you?
A Mack and Lizzie and Robert. Mack was twins, his mate died after he was born, then next Lizzie was born and then Robert after her. That was all born in Texas.
Q You haven't had a child born to you in the Cherokee Nation since the close of the war have you? A No sir.
Q Is your wife Miranda living? A No sir she is dead/
Q When did she die? A I August, 1903, I think.
Q Is Robert living? A Yes sir.
Q What about Thomas? A He is here.
Q And Mary, his daughter? A She is here.
Q And Lowella, his daughter? A She is here.
Q What about the grand-daughter, is she living? A Yes sir.
Q Is your son Andy Daniels living? A Yes sir.
Q Where? A About a mile above me on Caney River.
Q Is his children all living? A Yes sir.
Q Do you know whether all of these are living or not, Millie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth? A Yes sir, they are all living.
Q Is Lizzie Shafer living, your daughter? A Yes sir.
Q Has she a child called Arlena? A Yes sir.
Q Is that child living? A Yes sir she has got three more now.
Q What about Mack, is he living? A Yes sir.
Q Has he a child called Mady? A Yes sir.
Q Have you a child called Lizzie Haynes? A Yes sir, that is my daughter.
Q Has she two sons, Burrell and Amos living? A Yes sir.
Q What about Mary Hill, she your child? A Yes sir.
Q Has she got two children, Alice and Adam? A Yes sir they are living.
Q What about Burrell H., is he living? A Yes sir.
Q Are all these children and dgrand-children of yours living in the Cherokee Nation for the last 4 or 5 years? A Yes sir, it has been longer than that, for the last 10 or 15 years.
Q All of them? A Yes sir, all that is living, all the eldest ones.
Q They have always made their home in the Cherokee Nation during the last 10 or 15 years? A Yes sir.

BY MR. HASTINGS:
Q What is Thomas Daniels wife name A Her name is Priscilla.
Q Where did he marry her? A When we came to Fake County, Texas.
Q What is his oldest child's name? A I have forgotten the oldest child's name, it is dead.
Q How long, was it named Mary? A Mary is here.
Q Did he have one older than Mary? A Yes sir, I I think so.
Q Where did that child die? A I think he said she had one child died, I left him at Fake County.
Q Where was Mary born? A She was born in Fake County.
Q Where was Lenella born? A In Fake County, all born in Fake County.
Q Then Tom Daniels and his family come up here 5 or 6 years ago?
A Tom came before they did and stayed a year or so and then went back and got them.
Q Then he didn't bring his family until 5 or 6 years ago? A No sir he didn't.
Q Whose daughter is Julia? A Mary's daughter.
Q Where was she born? A Up on Caney River.
Q Is her mother a State woman? A I think so.
Q They don't claim through their mother, Thomas's wife? A No sir she died before he left Texas.
Q When did Tom first come here himself? A I wouldn't exactly tell you, Tom was here before the Creek payment.
Q Before that payment of 1897, the Kerns-Clifton payment? A Yes sir before that,
Q Had his family come then? A No sir left his family.
Q About how long after that payment which was in 1897 before his family come? A He come here 5 or 6 months before the payment.
Q You said he come but not his family?, how long after that before his family come? A It was after the payment sometime.
Q Well how many years afterwards? A I don't know how many years after.
Q Well your best judgment? A I Couldn't tell you to save my life exactly how many years after, it was.
Q Has he been here two years I mean with his family? A Yes sir he was here before the payment.
Q How many years has he been here with his family? A He went back after the payment and get his family.
Q How many years after the payment before he brought his family here? A I don't know, it may have been 3 or 4 months, or 5 or 6 months.
Q Where did Andrew Daniels marry? A He married a year I left Texas.
Q Who did he marry, some colored girl in Texas? A Yes sir.
Q He don't claim for these children there with him? A I don't know
Q Does Andrew's wife claim citizenship here by virtue of her being a slave of a Cherokee citizen? A She don't claim to be a citizen only by marriage.
Q Where was their oldest son Willie born? A After they get here.
Q Did he and his wife come here when you and your folks come?
A Come with me.

BY THE COMMISSION:
Q Do you know the husband of Lizzie Haynes and the father of the children, he is a state man is he? A Yes sir.
Q Do you know Mary Hill's husband? A Yes sir.
Q Is he a state man? A Yes sir.

Q He doesn't claim any rights as a Cherokee freedman? A No sir.
Q Do you know the father of Julia Daniels? A A state man named Dickson.
Q Do you know Mack Daniels wife? A Yes sir, she is a State woman.
Q Do you know the husband of Lizzie Shafer? is he a state man?
A Yes sir, but his mother claimed he has a right, she claims he was put on the roll, I don't know.
Q Is Shafer here to-day? A No sir.
Q This Dora Daniels, the wife of Andy Daniels, and the mother of the children on card 515 is a Texas State woman? A Yes sir.

WITNESS EXCUSED.

TOM DANIELS, being duly sworn, testified as follows:

BY MR. BLUE:
Q What is your name? A Tom Daniels.
Q What relation are you to Burrell Daniels, who has just testified? A He is my father.
Q Do you know your age Tom? A No sir, I don't.
Q Do you know about how old you are? A I have an idea I am somewhere in the neighborhood of 50.
Q Do you know Col. Bryant? A Yes sir, I did.
Q If you recollect, where did you first see him? A When I first opened my eyes to look at the gentlemen is when I was on the way to old Mexico. He used to make me sit and fan the flies off of him while he was asleep.
Q You remember him then do you? A Yes sir you bet I do.
Q Do you remember anything about where you started to go to old Mexico? A We started from some plantation in the Cherokee Nation, I don't remember exactly where it was.
Q Do you remember anything about being in the Choctaw Nation about that time? A No sir I don't recollect about the Choctaw Nation.
Q If you remember, about where were you on your way to old Mexico when you first remember Col. Bryant, if you can fix any particular place, do so? A I remember of being on the road but I can't place just exactly where it was, we ~~camped~~ were camped you know.
Q Do you remember how you travelled on that trip to old Mexico?
Q Yes sir we travelled, it was in a train of wagons.
Q How did you yourself travel? A I was in a wagon.
Q Were there any horsemen that accompanied the party? A I think there was a committee along, they stayed to keep the Indians off of them they said going across the plains to Mexico.
Q Do you remember much about that? A No sir I don't remember so much about it.
Q Do you remember any place in that route by the name of Fort Stockton? A Yes sir, I remember Fort Stockton, Fort Clarke, and Fort Davis.
Q Were those palces on the route to Mexico that you travelled?
A Yes sir.
Q Were you large enough at that time to ride a horse? A I don't exactly remember whether I was or not, I might have been.
Q Do you remember being in old Mexico? A Yes sir I do.
Q At what place in old Mexico do you first remember? A Chihuahua.
Q Do you remember any other place that you lived in Mexico? A Yes sir, we were at out on a sheep ranch for several years, I was a great big boy when we left there.

Q About what size boy were you when you left the sheep ranch? A I was a great big boy, about a half grown boy.
Q Do you remember of returning to ~~[illegible]~~ Texas from old Mexico? A Yes sir I do.
Q To what place did you return in Texas when you left old Mexico?
A The first place was San Antonio, Texas.
Q About what size boy were you when you got there? A I ought to have been a good size child.
Q Do you remember about that? A Yes sir.
Q What did you do after you came to San Antonio? A I worked around my father would keep me hired out first one place then another, working for a salary until he left there, didn't stay there very long.
Q Do you remember whether or not you left there with him? A Yes sir I did.
Q To what place did you go with him? A Out west of San Antonio to some man's ranch they called Johnson.
Q How long did you remain there? A About two or three years, somewhere along there.
Q Did you live there with him? A Yes sir, I did.
Q To what place did you go then? A We went back to San Antonio after that.
Q How long did you remain at San Antonio after that? A I ~~[illegible]~~ stay there no time, I went south.
Q To what place? A I was down there way below Wimer, down to a place they called,-- I forget now the name of the place.
Q Where did you leave the old gentlemen when you separated from him? A In San Antonio.
Q After you left him there how long was it before you saw him again? A I don't know but I was working for a man named Hill when he moved up there.
Q Where did you next see your father after you separated from him at San Antonio? A I come to see him once before he left there to come to the Nation.
Q Do you remember where you saw him at the last time before he came to the Nation? A Yes sir.
Q Where was he? A On the Hill farm.
Q Where was that? A In Texas.
Q Near what town? A Wimer, Texas.
Q Did you remain there with him? A No sir I didn't I went off.
Q After you saw him at that ranch there in the neighborhood of Wimer, Texas, where did you next see him? A I saw him here.
Q At what place? A Up here on Caney River.
Q In what Nation? A ~~[illegible]~~ Cooweescoowee District, Cherokee Nation.
Q When was that? A That has been several years ago.
Q Had you moved up here then? A Yes sir I had moved, I didn't know where they were until--
Q Where were you living at that time? A Way below Wimer on a placed they called Navidad.
Q Did you bring your family up here with you when you came that time? A I brought two children along.
Q Did you leave them here or not? A They are here.
Q With whom did you leave them here in the Cherokee Nation? A I left them with my father.
Q What did you do after you came up here and left these children?
A I helped the old man farm and worked around first one place then another.
Q Did you go back to Wimer again? A Yes sir, after I brought my children up here see.
Q Were you up here before you brought any children up here, yourself? A Yes sir.

Q How long before you brought these two children up? A I was up here a month or so, I guess it was longer than that.
Q Were you up here at the time of any payment? A Yes sir, I was.
Q What payment was that? A It was the payment that was paid off up here at Lightening Creek.
Q Were you here before that time? A Yes sir.
Q How long? A Three or four months I expect.
Q How soon after that payment was it you turned back to the neighborhood of Weimer, Texas? A I went right away as quick as I could get a little money together and went down there to get my children, when I first come up here I come to see where my people were, I was considered lost from them.
Q Having found them here, you say you returned to the neighborhood of Weimer, Texas, then what did you do? A I didn't do anything but go right down there and get those children and come right back.
Q Were those all the children you had? A Yes sir.
Q Was your wife living at that time? A ~~Yes sir~~ No sir she was dead
Q Was she a State woman or freedman? A State woman.
Q Have you since that time married again? A No sir.
Q What are your children's names? A One is named Louella, and one named Mary.
Q About what time did you come back to the Cherokee Nation with these children? A Kinder long up in the year I guess.
Q You mean in about the same tim in the year you were up to see your father at the time of the payment? A Yes sir.
Q Where have you resided since you brought those children up to the Cherokee Nation? A At my father's and down here at a fellow---
Q Have you resided in the Cherokee Nation since you brought these children up here? A Yes sir.

Commission: The Lightening Creek Payment referred to by the witness is the Kern-Clifton pay roll.

Q What is your recollection about the date of that payment, do you remember what year it was in? A I think it was between 7 and 8 years ago.
Q During the time you resided in Texas after your return to Mexico did you become a citizen of Texas? A In what way?.
Q Did you keep a home in Texas to which you intended to reside?
A No sir, it was my father's talk after he got away from Mexico he would lay down and talk about going to some home and get up a talking about wanting to come home.
Q Where did you intend to return to? A I calimed my home right where I heard my parents talking about, and that was in the Cherokee Nation.
Q What purpose did you have in coming up here the time you first came? A I come to see where my people were, they left me and I didn't have any trace of any of them to know where they were, and I just got on the track of them travelling, there was a boy stayed down here at Chuwetah named William Johnson he got acquainted with my father, when he stayed down here, and he was the one that told me where my people were you know, and if he hadn't told me I don't know as I would have known yet where they were.
Q Were you ever at any time naturalized and made a citizen of Texas or any other state? A No sir.
Q During the time in Mexico, did you become a citizen over there?
A No sir.
Q About how old were you when you left Mexico? A I guess I was about 12 or 13 years old, maybe 14.
Q Have you any judgment as to what your age was at that time? A No sir.

Q How old do you think you are now? A I think I am pretty close to 50 if I aint already 50, our father don't know much about our age cause he never kept no record of nothing.

BY MR. HASTINGS:
Q Your best judgment is that you were 12 or 13 years old when you left Mexico and went to Texas after the war? A Yes sir.
Q And you think you are about 50 now? A Right at 50.
Q Where were you married Tom? A I was married down in Texas.
Q At what town? A I was married near La Grange, Texas.
Q Were you living on a farm or in town? A On a farm.
Q Were you living with your parents then? A No sir.
Q About how old were you when you were married? A I don't know I aught to have been very near grown when I married.
Q What was your eldest child's name, didn't you have one to die?
A Its name was Aleck.
Q Where was he born? A In Texas.
Q Near what place? A Near Weimer, Texas.
Q About 8 or 9 miles of Weimer? A Yes sir.
Q What were you doing out there? A Farming.
Q For whom? A I don't know the man's name.
Q Where was Mary born? A She was born in about 8 or 10 miles of Weimer.
Q Where was Louella born? A Not very far from the same place.
Q What was the first President you ever voted for, Grant? A If I voted at all I guess I voted for Grant.
Q What Congressman did you vote for down there? A I don't know sir.
Q What Governor did you vote for? A I guess I voted for the Governor of Texas if I voted for any.
Q Did you vote in a town? A No sir out in the country.
Q You voted in the country precinct then did you? A Yes sir.
Q Good many colored people in your vicinity? A Yes sir.
Q Did they have a colored precinct? A Yes sir.
Q And you went to this to vote? A I don't exactly know the meaning of precinct.
Q The place to cast your vote, you went to vote did you? A Yes sir.
Q How long did you vote down there until you came here in 1897?
A Yes sir.
Q You never voted in town because you didn't live in any of them?
A No sir never lived there.
Q Lived in the country all the time? A Yes sir.
Q Never did refuse you any right to vote just like anybody else?
A No sir they claimed that after a man was of age and in the country a certain limit of time he was allowed to vote.
Q Your vote never was challenged then? A No sir.
Q The first time you ever came here was during that payment in 1897? A Yes sir.
Q You never had been here before only when you were a baby? A I hadn't been here since I was carried off by Joel Bryant.
Q That was during the Lightening Creek payment in 1897? A I was here before the payment.
Q How long before the payment? A 3 or 4 months before the payment.
Q Were Kern-Clifton making a roll when you came? A That is what I heard.
Q Did you go before the Commission and ask to be enrolled? A No sir.
Q Did it close before you came? A Yes sir.

Q Did you come before the payment? A Yes sir.
Q Did you go before or after that payment? A I come before the payment.
Q I am trying to find out how long before the payment, the payment made out there at Lightening Creek? A About 3 or 4 months before the payment.
Q Where was your wife? A She was dead.
Q Where did she die? A She had been dead several years.
Q Where were your children after your wife's death? A I kept them with me.
Q You never remarried? A Yes sir.
Q Did you marry the second time in Texas? A Yes sir.
Q Your wife and these children were still in Texas when you came up here just before the payment? A Yes sir.
Q And you never brought her or these children up here until after the payment? A No sir.

BY MR. BLUE:
Q About how long were you in old Mexico all together? A To my best recollection it seems to me that we ought to have been in old Mexico about 8 or 10 years I think.
Q If you were there 8 or 10 years how old were you when you went into old Mexico? A I guess two or three years old.
Q How old? A 3 or 4 or 5 years old.
Q You were big enough to keep the flies off of the old Colonel when you were going down there? A Yes sir.
Q What is your best judgment as to how old you were when you got into Mexico? A I think I was between 5 and 6 years old.
Q You say you did vote sometimes in Texas? A Yes sir.
Q About how many years had you been in Texas before you voted, do you remember? A I was in Texas several years before I voted.
Q Do you remember the month in which you returned with your wife and children? A No sir, I don't.
Q Do you remember what season of the year it was when you came back with them? A Yes sir, it was along in the spring of the year.
Q In crop time? A Yes sir.
QQ Did you make a crop that year in the Cherokee country after you come up? A No sir I didn't make any crop, I helped the old man to make a crop at home, my best remembrance I think it must have been along this time when I come back.
Q Along the latter part of May or first of June? A Yes sir.

BY THE COMMISSION:
Q How many years before you came up to the Cherokee Nation in 189? did you see your father? A About 15 years to my best judgment.
Q And where was your father living at the time you saw him? A In Cooweescoowee District up here in the Cherokee Nation.
Q I am talking about down in Texas the last time you saw him?
A On the Hill farm.
Q Was that near Weimer or near San Antonio? A Near Weimer.
Q At that time you had a home of your own, you were married at that time? A Yes sir.
Q You were not living with your father? A No sir.
Q How far from his home were you living at that time? A About 15 or 20 miles.

W I T N E S S EXCUSED.

ANDY DANIELS, being first duly sworn testified as follows:

BY MR. BULGER:
Q What is your name? A Andy Daniels.
Q Are you some relation to Burrell Daniels? A I am his son.
Q Where were you born Andy? A I was born somewhere about Doakeville.
Q Where is that? A Somewhere on Red River in the Choctaw Nation.
Q How old are you now about? A I think I am about 41.
Q Where were you when you can first recollect? A I was in Mexico.
Q What part of Mexico? A I couldn't tell you, I have heard.
Q In a town were you? A Yes sir.
Q How long did you stay in that town until you left it? A I was quite small but that time I couldn't really give; I guess it was somewhere along about 5 or 6 years.
Q Where did you go from that town? A To San Antonio.
Q Do you recollect distinctly of arriving in San Antoinio? A Yes sir.
Q About what age were you then, how large a boy? A I was getting to be a pretty good size boy I guess.
Q About how old, give your best judgment? A About 10 years old.
Q What did you do, or did you do anything in San Antonio in the way of work? A I commenced working around there in a hotel a little
Q What did you do in the hotel? A Wash dishes.
Q How long did you wash dishes in a hotel in San Antonio? A I don't know, not very long.
Q Were you living with your father and mother at that time? A Yes sir, they hired me out.
Q When did you leave San Antonio, and how long after you had been there did you leave the place? A To my best judgment I think we had been there about a year.
Q Where did you go? A Went out west.
Q How far west? A I don't know, 25 miles.
Q Did your family move out with you? A My mother and father went out there.
Q What did you do out there, your mother and father and you? A My father rented a farm there from a Mr. Johnson.
Q How long did you farm for Mr. Johnson? A We made two crops for him.
Q Where did you go from Johnson's? A We come back to San Antonio.
Q Then how long did you stay in San Antonio? A I don't think we stayed there much over a year, I think we left there a long in the fall.
Q Where did you start for? A I couldn't hardly tell you, I was pretty young then.
Q Did you go away with the family from San Antonio? A No sir.
Q Where did you go? A I got around there among the boys and stopped there.
Q Did the family leave you? A Yes sir.
Q And when did you next see the family? A It must have been about a year before I saw them.
Q Where did you see them at that time? A There on Hill's place.
Q Where is that place? A On Colorado River close to Weimar, Texas.
Q Did you go down to your parents? A Yes sir.
Q How long did you remain there? A I think I made a crop there, rented a little ~~xxxxx~~ piece of ground and he furnished me a yoke of cattle and I worked for myself and gather it and I left them there that fall.

Q About how old were you at this time? A I don't know.
Q Were you a grown man? A I don't know.
Q What is your best judgment of your age at that time? A About 19 years old.
Q Did you go some place from that Hill farm? A Yes sir, came up here.
Q Do you remember what year you come here in? A No sir.
Q What nation did you come to? A We come to the Cherokee Nation, landed here in Muskogee and there was a fellow that used to live here by the name of Tom Windy, and we had enough money to pay him to haul us down to Illvens Valley, my grandmother lived down there.
Q Have you lived in the Cherokee Nation continuously since your return? A Yes sir.
Q When you were in Texas did you ever hear your father and mother speak about coming back to the Cherokee Nation? A Yes sir, I have heard them talking lots of time.
Q What would they say? A I have heard the old lady talking about Grand Prairie and naming different places here in the Cherokee Nation, how they used to travel and how had they wanted to come back.
Q Have you any recollection about the date when you arrived in the Cherokee Nation? A No sir.

BY MR. HASTINGS:
Q You don't know what year you come here in? A No sir I don't.
Q You don't know what year this is? A Well I guess I do.
Q Well tell it? A Looking at the almanac I suppose it would be about 1905.
Q Do you know how old you were when you come here? A No sir.
Q Were you about 21? A No sir, I was somewhere along about 19 when I come here.
Q Do you know? A No sir don't know that hardly.
Q Well did Tom come then? A No sir.
Q When did Tom first come? A He came sometime since then.
Q About what year did he come? A He has been in here 4 or 5 years I guess, as well as I can remember.
Q Do you know about how old young Burrell H. Daniels is? A I don't know sir.
Q What is your best judgment? A I couldn't tell you cause I dont remember when he was born.
Q Do you know where he was born? A He was born in Mexico.
Q Do you know how old he was when you left Mexico, and came over to Texas? A I don't know.
Q Was he a baby? A Yes sir, a pretty good size baby, about 6 or 7 years old I guess, or a little over.
Q When you left Mexico and come to Texas? A When we left Mexico and come to San Antonio.
Q Burrell was 6 or 7 years old? A I guess he was, I don't know when he was born.
Q If your father states he was 6 months old, he is mistaken? A I don't know, I was just guessing at it.
Q Where was Lizzie born? A She was born out there at Johnson's.
Q In Texas? A Yes sir, out west of San Antonio.
Q Where was Mack born? A In San Antonio.
Q Where was Lizzie Haynes born? A I think she was born out at Johnston's too.
Q Where was Mary Hill born? A In San Antonio.
Q How old do you say that Lizzie Shafer is? A I don't know sir how old she is.
Q Got no idea at all? A No sir.

Q Do you know how old Lizzie Haynes is? A No sir, I don't.
Q Got no idea, none at all? A No sir.
Q But you know that Mack and Mary and Lizzie Haynes and Lizzie Shafer, these four were born in Texas weren't they? A Yes sir.
Q Did any children die who were born in Texas to your father and mother? A There was my eldest sister died there in San Antonio.
Q Any that was born in Texas, was she born in Texas? A No sir she was born in the Nation.
Q Before the war? A I don't know when it was.
Q You were born in the Cherokee Nation but you never was in the Cherokee Nation until you were 19 or 20 years old? A Well I suppose that was my age.
Q You never was here before that? A No sir.

BY THE COMMISSION:
Q Did you go with your father to the Cherokee Nation? A Yes sir
Q Who was in that party? A Mary, Mack and Robert, they all came up withhim excepting Tom.
Q Tom and his family? A Yes sir.
Q Did your mother come? A Yes sir.
Q What was your wife's Name? A Dora Daniels.
Q Is she a state woman? A Yes sir.
Q You married her in Texas did you? A Yes sir.
Q Did your wife, Dora, come with you and the children? A Yes sir.
Q How many children come with you to the Cherokee Nation? A None
Q All born in the Cherokee Nation? A Yes sir.
Q How long were you married before you come to the Cherokee Nation
A Just as soon as we got the crop gathered.
Q Are these children all living? All living.
Q Your wife doesn't claim any rights as a Cherokee freedman, does she? No sir.
Q Whatever rights they claim, they claim through you? Yes sir.

BY MR. BULGER:
Q Why did you and your father and his family come to the Cherokee Nation when you did come? He made a kinder of a come out that year with a little money so we could travel.
Q Why had you not come before that time? A Never had been able to, never had had enough to travel any distance, all we could do was to live.
Q How did you happen to come out with more money that year? A I think they made different arrangements in raising the crop and had pretty good luck that year with the crops.

BY THE COMMISSION:
Q Did you always stay with your parents up until the time you were married? A All excepting that year I stopped off in San Antonio.
Q Were you living with your father when you married? A Yes sir
Q You and your wife stayed on that same farm with your father?
A Not exactly on that farm, but on the same man's farm.

W I T N E S S E X C U S E D.

JOHN CROSS, being duly sworn, testified as follows:

BY MR: BULGER:
Q What is your name? A John Cross.

Q Where do you live? A 8 miles east of Fort Gibson.
Q How old are you? A I suppose I must be about 50 years old.
Q What is your business or occupation? A Farming.
Q How long have you been farming? A I have been farming all my days.
Q In what country and states have you farmed? A I farmed in Texas the first of my farming was done in Texas.
Q How long did you farm in Texas? A I really don't know just exactly how long I couldn't just get at it, just how long, but it was quite awhile.
Q Did you own a farm in Texas of your own? A No sir.
Q How did you farm? A I worked on the halfers.
Q What do you mean by working on the halfers? A I mean they furnished everything and give me half of the crop, and I would get rations from a commissary, and they get their pay for it out of my part of the crop.
Q To whom did the commissary belong? A To the boss of the place.
Q Did you farm in the same neighborhood in Texas where Burrell Daniels did? A No sir.

WITNESS EXCUSED.

BURRELL DANIELS RECALLED:

BY MR. BLUM:
Q During the time that you were in old Mexico as you have testified for stated, did you, at any time, vote there? A No sir.
Q Did you take out any naturalization papers there and become a citizen there? A No sir, never did.
Q Have you ever at any time taken out any naturalization papers and become a citizen of any other state or country than the Cherokee Nation? A No sir.
Q Did you ever vote in Texas? A Never did/

BY MR. HASTINGS:
Q Never voted in the Cherokee Nation did you? A Don't know as I ever voted there either.

BY THE COMMISSION:
Q You testified that at Fort Stockton there were several Cherokee slaves there, do you know whether any of them are living now besides those of your own family? A Yes sir, some of them left and went to El Paso.
Q Did any of them ever return to the Cherokee Nation? A Not as I know of, went to El Paso, most of them did.
Q I am asking about those slaves that were with you at Fort Stockton, not a one returned that you know of? A No sir.

WITNESS EXCUSED.

APPLICANT RESTS.

R.W.LINDSEY RECALLED:

BY MR. HASTINGS:
Q You are the same witness that was on the stand in this case this

morning? A Yes sir.
Q Is it true that Burrell Daniels life was threatened or that he was compelled by Col. Bryant or any one acting in his behalf to start with him to old Mexico from the State of Texas after the war?

Mr. Blue: I object to that as being incompetent, immaterial, and irrelevant and is calling for a conclusion of this witness and not attempting to get any facts in the case.

A No sir nothing of the kind that I am aware of or ever heard tell of, everything was amicable.
Q Did Burrell Daniels desire to go with Col. Bryant to Mexico?
A Yes sir, he seemed that way,

Mr. Blue: I offer the same objections as above.

Q Was he advised that old Mexico was a free state and was that xx your understanding at that time? A I don't know what advice but it was understood that Mexico was a free state.
Q Was there any soldiers taken along with Col. Bryant to guard these people to keep them from running away? A No sir.
Q At Fort Stockton were the colored people lined up and compelled to sign agreements and was Burrell Daniels compelled under threat of having his life taken of signing that agreement to pay Col. Bryant for his transportation for himself and family over to old Mexico?
Mr. Blue: I offer the same objections as above.

Q If Burrell Daniels stated that, is that true?

Mr. Blue: Same objections.

A No sir.
Q Were any threats made against his life at that time?

Mr. Blue: Same objections.

A No sir.
Q The applicant just made a statement her to the effect that Col. Bryant got about 1500 head of ~~xxxxx~~ cattle and drove them across there into old Mexico, I am frank to say that I don't see that that cuts much figure in this citizenship matter, but I want to ask you if that is true? A No sir.

Mr. Blue: I want to object to that for it contains a suggestion of the council, and sam reasons as above.

Mr. Hastings: In answer to the above objection council for the Cherokee Nation desire to state that this question is asked purely for the purpose of contradicting the other witness, and while it is upon an immaterial point, yet if this other witness would go so far as to make such an absolute false statement as the one he did make with reference to these cattle, it would be a tendency to show the Commission and the Secretary of the Interior of the false statement of this witness.

Mr. Blue: In reply I desire to say that it is wholly gratuitous for he cannot be impeached upon an immaterial question, and further than that the present witness is quite as impeachable as the other witness.

Q Did he have any cattle other than you said? A No sir, he had a few milk cows and some beef cattle.
Q And you say it is absolutely without foundation? A Yes sir, without foundation and false.
Q And you say it is absolutely without foundation and it is false that he was compelled to go to Mexico or compelled to sign this contract? A Yes sir.

Mr. Blue: I object to that, it is incompetent, immaterial, and irrelevant, is a leading question and I object to it on that ground.

Q Did Col. Bryant have any soldiers along with him at all? A As I said I thought there was 10 or 12 men that some 4 or 5 of them had belonged to some other command, I don't think there was but one man that belonged to his regiment.
Q And they just went along as a party? A Yes they knew him.
Q Did you hear any remark made by Col. Bryant to the effect that Burrell Daniels would be killed and the wolves would eat his bones if he didn't sign that paper at Fort Stockton? A No sir.
Q You were there when it was signed, witnessed it? A Yes sir.
Q You say that Burrell Daniels was given his discharge papers by Col. Bryant at that time? A Yes sir, before he signed the others.
Q Was he told that he was a free man at that time. A He says this is the first act ~~that~~ Burrell that you have done as a free man. There was me andafew of the members of Mr. Bryants family, and about two other men besides myse lf when it was going on.

BY MR. BLUE:
Q Was there any man of adult age that was along with you at that time that hadn't been in the Confederate army? A I don't think there was, there might have been.
Q The fact is that all of those men that were of sufficient age had been in the Confederate services and were all leaving the country because they didn't like to stay here with the Yankess? A Well I don't know.
Q You were leaving for that purpose? A He might have left for that purpose.
Q Your father-in-law and his four sons-in-law all of whom had been in the Confederate army were going to old Mexico? A Yes sir.
Q And Lieut? or Capt. Stewart was along? A Yes sir.
Q And these two officers of his regiment? A No sir,only one officer of his regiment Lieut. Thomas, and Dr. Powell belonged to Col. Bryant's regiment, Capt. Stewart belonged to the First Cherokee regiment.
Q He had some Confederate soldiers along with him? A I don't know whether you would call them soldiers or not.
Q And all these men including your father-in-law and his sons-in-law were along, were they? A Yes sir.
Q And Col. Bryant freed these people at Fort Stockton about 200 miles from any settlement? A Yes sir.
Q And they had no teams or anything of conveyance? A Yes sir.
Q Do you not think, Mr. Lindsey, that it was a very singular proceeding for the former master and owner of slaves at such a place as Fort Stockton, many miles from any settlement in a ~~country~~ comparatively desert country and without any means of conveyance or anything to subsist on until they could get to a settlement to go through the form of releasing them f rom slavery there, and then ask them to sign a contract to work for him in old Mexico until they could pay him a bill for carrying them from Texas over into old Mexico?

Mr. Hastings: Objected to because this question is purely a matter of argument and is not cross examination of any fact of its developement.

A From one ~~xxxxxxxxxxxxxx~~ aspect it would look to be peculiar, but I will state, as I have formerly stated that from the start from Warren, Texas, that with those people it was all entirely amicable and that there was no friction whatever at all existed between Col. Bryant and his slave, Burrell, that there was as ~~xxxxxxx~~ mutual understanding as could be between master and slave.
Q Under this contract about which you have testified, which was agreed as I understand it that Burrell Daniels signed by his mark a contract agreeing to pay Col. Bryant $500.00 for convey~~xxxxxxx~~ - ing him and his family over to old Mexico from the starting point in Texas? A All is correct except the amount, I don't know about that, I don't remember the amount.
Q Were you present when this case was tried in the Mexican or French courts as they had there? A No sir.
Q Do you know anything as to the amount Col. Bryant claimed when he got to Mexico? A I do not know sir.
Q You say under that contract he enforced that contract against Burrell Daniels in Mexico and collected the money on it? A Yes sir
Q Now you have stated about some cattle, is it not a fact that Col. Bryant, before he started to old Mexico traded some slaves for some cattle? A Yes sir.
Q You know Mr. Baugh? A Yes sir.
Q How long have you known him? A About 51 years nearly.
Q If Mr. Baugh in his testimony stated that Capt. or Lieut. Stewart had a company of 15 or more men with him there, he was mistaken?

Mr. Hastings: I want to object to that because that is not his statement and the record will not show so, but the record will show that a number of men were along, but the record will not show that he had a company of men.

Q If Mr. Baugh did state in his testimony in this case today that there was a number of armed men along with this party with Lieut. or Capt. Stewart, in your trip to old Mexico, he was mistaken was he? A Yes there was a number of men along and armed, and Capt. Stewart was along but he had no command and did not act as commander, he was or had been a Captain and was called Captain.
Q If I understood you this morning you stated that all the party that was at Fort Stockton crossed over into old Mexico with you, am I right about that? A About making that statement, I don't remember but about all the party that was at Fort Stockton, not exactly all there was a few that came from Missouri, they joined us but didn't go on to Mexico.
Q Didn't you state this morning that all the party that was at Fort Stockton crossed over into old Mexico? A I don't know whether I did say it or not, I might have.
Q If Mr. Baugh stated on the stand that a part of the boys of the company that was along in that march from Texas to old Mexico, left it was incorrectly? A Yes sir.
Q There were some men along that didn't have any arms? A It is possible, there might have been there was a transent party along.
Q Did your party take any cattle into old Mexico with you? A No sir.

Q Did any parties join your party with some cattle after they started? A Yes sir.
Q Who were they? A Capt. Stewart, Major Hanlin, and man they called Johnson, and a young man called Poe, and Lieut. Thomas and Dr. Powell.
Q How many cattle did they have? A Something like 200 maybe a little more, or a little less.
Q Then after all there was a herd of cattle along there with you besides the cattle of Col. Bryant? A Yes sir.
Q You don't know how many head there was of them? A From my best recollectio n there wa s some 200 maybe more or less.
Q You don't swear to the exact number? A No sir I never counted them.
Q Wasn't Capt. Stewart and this man with you before they went back after those cattle? A No sir.

BY MR. HASTINGS:
Q Did Col. Bryant have anything to do with those cattle? A No sir.
Q What relation was that with Indians? A It was pretty good country for Indians, I recollect once where the Indians run off and left a place.
Q You people went armed as individuals but there was no company of soldiers? A Nothing of the kind.

BY MR. BLUE:
Q Where was that you jumped up these indians? A Up on the head of what they called Brady Creek.
Q How far was that from Fort Stockton? A Somewhere between 75 and 100 miles.
Q And that was the country in which Col. Bryant freed his slaves?
A Yes sir.
Q Did they have any arms to protect themselves? A I didn't see any.
Q No means of protection or nothing to eat? A I have answered that two or three times.

BY THE COMMISSION:
Q How far did you say Stockton was from Chihuahua? A I couldn't say exactly, about 400 miles.
Q How long did it take you to travel from Fort Stockton to that place? A We travelled at the rate of 15 or 20 miles per day, perhaps we were on the road 15 or 20 days.
Q Do you mean that was on the travelled route? A Yes sir.
Q How far as the crow flies, how far is it? A Perhaps I struck off a good deal, about 200 to 250 miles perhaps.
Q There was no rail roads at that time? A No sir.

W I T N E S S E X C U S E D.

BY THE COMMISSION:

As far as the evidence in this case is now closed, and the case is submitted on the record. By the mutual consent and stipulation of the parties the case will be written up and briefs

will be allowed to be filed by the representatives of the applicant, and the Cherokee Nation then 15 days.

THIS CASE IS NOW CLOSED.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) George H. Lessley.

Subscribed and sworn to before me this 15th day of June, 1905.

(Signed) Edward Merrick.

Notary Public.

Mabelle Cohenour, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a correct copy of the original transcript.

Mabelle Cohenour

Subscribed and sworn to before me this 26th day of June, 1905.

Chas E Webster
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Burrell Daniels et al.----------	Cherokee Freedmen	N	40,
Andrew Daniels et al.----------	Cherokee Freedmen	D	861,
Lizzie Shafer et al.----------	Cherokee Freedmen	D	916,
Mary Hill et al.----------	Cherokee Freedmen	D	917,
Lizzie Haynes et al.----------	Cherokee Freedmen	D	941,
Mack Daniels et al.----------	Cherokee Freedmen	D	1099,
Thomas Daniels et al.----------	Cherokee Freedmen	D	1100,
Burrell H. Daniels----------	Cherokee Freedmen	D	1101.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Burrell Daniels, for himself and wife, Meranda Daniels, and minor child, Robert Daniels; by Andrew Daniels, for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Mazie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer, for herself; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arlena Shafer; by Mary Hill, for herself and minor child, Alice; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Adran Hill; by Lizzie Haynes, for herself and minor child, Edward Haynes; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Ames Haynes; by Mack Daniels, for himself and minor child, Mady Daniels; by Thomas Daniels, for himself and minor children, Mary, Lowella and Julia Daniels; and by Burrell H. Daniels, for himself.

The evidence shows that the said Burrell Daniels and his wife, Meranda, together with their children, Nancy Daniels, now deceased, and Thomas Daniels, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they were taken out of the Cherokee Nation and did not return thereto until sometime after the year 1870; that the said Andrew Daniels was born during the war of the rebellion and came to the Cherokee Nation with his father and mother on their said return. All the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Burrell, Meranda, Thomas, Nancy or Andrew Daniels.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Marvell Daniels, Mernda Daniels, Robert Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Sunie Daniels, Thomas Daniels, son of Andrew Daniels, Harley Daniels, Jessie Daniels, Minnie Daniels, Mirandie Daniels, Ruth Daniels, Linnie Hayes, Arlena Hayes, Mary Hill, Alice Hill, Alfred Hill, Lizzie Hayes, Albert Hayes, Anna Hayes, Mack Daniels, Eddy Daniels, Thomas Daniels, Mary Daniels, Lovinia Daniels, Julia Daniels and Marvell W. Daniels, as freedmen freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. A. Shanley,
Commissioner.

Muskogee, Indian Territory,

this JAN 16 1904

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen, consolidating the applications of:

Burrell Daniels, et al.,	Cherokee Freedman	R 40,
Thomas Daniels, et al.,	" "	R 391,
Andrew Daniels, et al.,	" "	R 393,
Burrell H. Daniels,	" "	R 390,
Lizzie Haynes, et al.,	" "	R 392,
Mack Daniels, et al.,	" "	R 393,
Mary Hill, et al.,	" "	R 392,
Lizzie Shafer, et al.,	" "	R 394,

-1-

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Burrell Daniels for himself, his wife, Miranda Daniels, and minor son, Robert Daniels; by Thomas Daniels for himself and minor children, Mary and Louella Daniels, and minor grandchild, Julia Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Bessie, Minnie, Miranda and Ruth Daniels; by Burrell H. Daniels for himself; by Lizzie Haynes for herself and minor child, Edward Haynes. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on January 29, 1902, of Amos Haynes, child of the applicant Lizzie Haynes; by Mack Daniels for himself and minor child, Mady Daniels; by Mary Hill for herself and minor child, Alice Hill. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on March 10, 1902, of Adrun Hill, daughter of the applicant, Mary Hill; and by Lizzie Shafer for herself. Thereafter on June 4, 1902, there was filed with the Commission an affidavit showing the birth, on May 1, 1902, of Arlena Shafer, daughter of the applicant Lizzie Shafer.

THE RECORD FURTHER SHOWS: That, On January 18, 1904, the Commission rendered its decision herein, denying said applicants the right to enrollment as Cherokee freedmen; that on June 24, 1904 (Departmental letter I.T.D. 5040-04), said decision of the Commission was affirmed by the Department; and that, thereafter, on December 12, 1904, a motion for review was filed with the Department, on behalf of the applicants in this case, the same being submitted to the Assistant Attorney-General for his opinion thereon; that, on May 13, 1905, (Departmental letter I.T.D. 5330-05), the Department, in accordance with opinion of the Assistant Attorney-General, rendered May 9, 1905, rescinded its decision of June 24, 1904, and returned the record in this case with instructions to "institute a rehearing in the matter"; and that, on June 8, 1905, further proceedings in the matter of said application were had before the Commission at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as Cherokee Freedmen.

The following points in this case are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Burrell and Miranda Daniels, are the parents of Robert, Thomas, Andrew, Burrell H., and Mack Daniels, and Lizzie Haynes, nee Daniels, and Nancy Newton, nee Daniels, deceased; and that all the other applicants herein are descendants of certain of the above named persons, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(2) That the applicants, Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and that, after the close of said rebellion, the three applicants first above mentioned returned to the Indian Territory during the following years; Burrell and Miranda Daniels in 1864, and Thomas Daniels in 1897. The said Nancy Newton, nee Daniels, deceased, never returned to the Indian Territory, after the rebellion, she having died in Texas prior to the year 1864.

(3) That all the applicants herein except Burrell, Miranda and Thomas Daniels, were born since the commencement of the rebellion.

(4) That those applicants herein who were in being at the close of the rebellion, together with the said Nancy Newton, nee Daniels, deceased, were taken, by one Joel M. Bryant, from Texas to Mexico during the year 1865, where the said Burrell Daniels and his family remained until about the year 1872, when they removed to Texas and con-

tinuously lived therein till their return to the Indian Territory as above indicated.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Burrell and Miranda Daniels, with their family, voluntarily accompanied Joel W. Bryant and party from Texas to Mexico during the spring and summer of 1866; that they remained in Mexico till 1872, when they removed to Texas, became domiciled citizens of that state, and continuously lived therein till their removal to the Indian Territory during the years 1884 and 1887; and that none of the applicants herein have ever been admitted or readmitted to citizenship in the Cherokee nation.

And it is further considered that the evidence in this case shows that upon their return to the Indian Territory, after the rebellion, neither the applicants Burrell, Miranda and Thomas Daniels, nor the applicants herein claiming through them, nor those claiming through Nancy Newton, nee Daniels, deceased, established a residence in the Cherokee nation, but rather in the Creek Nation, where they continuously resided till subsequent to the year 1896.

None of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither of the applicants, Burrell, Miranda, or Thomas Daniels, nor Nancy Newton, nee Daniels, deceased, became domiciled citizens of the Cherokee Nation within the time specified by the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee nation et al., for the return of freedmen to the Cherokee nation; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

And it is further considered that, granting that those applicants herein born prior to the close of the rebellion, and the said Nancy Newton, nee Daniels, deceased, were, on or prior to February 11, 1867, domiciled citizens of the Cherokee Nation, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . : . . . . . ."

IT IS, THEREFORE, ORDERED AND ADJUDGED, That, under the provisions of Section Twenty-seven of the Act of Congress approved June 28, 1898 (30 Stat., 495), Burrell Daniels, Miranda Daniels, Robert Daniels, Thomas Daniels, Mary Daniels, Lucille Daniels, Julia Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Susie Daniels, Thomas Daniels, Burley Daniels, Essie Daniels, Minnie Daniels, Miranda Daniels (daughter of Andrew Daniels), Beth Daniels, Burrell M. Daniels, Lizzie Haynes, Edward Haynes, Amos Haynes, Mack Daniels, Mady Daniels, Mary Hill, Alice Hill, Adran Hill, Lizzie Shafer and Ariana Shafer, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,
this May 28 1906.

Cherokee Freedmen R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

" WALLACE ROLL. "

Office No.	Wallace No.	Names	Age	Sex	Residence
2314	245	Daniels, Burrell	50	M	Creek Nation
2315	246	" Miranda	41	F	" "
2316	247	" Burrell Jr.	18	M	" "
2317	248	" Hank	16	M	" "
2318	249	" Lizzie	14	F	" "
2319	250	" Robert	12	M	" "
2320		" Mary	10	F	" "
2321	251	Newton, Lizzie	8	F	" "

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on page 109 of the Wallace roll, and that said Wallace roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Burrell Daniels, et al. Cherokee Freedmen R 40 et al.

Tams Bixby.

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this SEP 25 1905

Cherokee Freedmen R. Co et al.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

Census of _____ Citizens residing in _____ District, Cherokee Nation, Authorized by an Act of the National Council approved April 15, 1881.

No.	Name	Age	Male	Female	By whom identified	Remarks
[illegible]	[illegible]	[illegible]	[illegible]		Elizabeth C. Thompson J. Thompson by certificate	Living in Creek Nation Never lived in Cherokee Nation since 1861. Orphan grand-children
[illegible]	[illegible]	[illegible]		[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]		[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]		[illegible]		
[illegible]	[illegible]	[illegible]		[illegible]		
[illegible]	[illegible]	[illegible]				
[illegible]	[illegible]	[illegible]				
[illegible]	[illegible]	[illegible]	[illegible]			
[illegible]	Willie [illegible]	[illegible]	[illegible]			Living in Creek Nation
[illegible]	[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]		[illegible]		
[illegible]	[illegible]	[illegible]		[illegible]		

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on Page 1, Location Schedule, Census Roll of 1905, and that said Census Roll is now in the Land Department of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Harvey Sandifer, et al., Contest Problem 1-65, et al.

James Bixby,
Commissioner.

Dated at Washington, District of Columbia,
this SEP 25 1905

Georgia Freedmen R of D et al,

Petitioners by the Attorney

Commissioner to the Five Civilized Tribes

In the Matter of the application for the enrollment of Burrell Daniels et al., as Cherokee Freedmen.

Now, in part, of certain records in the custody of this office.

CHEROKEE FREEDMAN PAY ROLL.

Roll No.	Office No.	Name	Age	Sex	Dec. Authority
4404	4446	Daniels, Andrew	18	M	Commissioner Miscl
4405	4447	" William, son	15	M	" "
4406	4448	" Louisa, "		F	" "
4407	4449	" Ann, "		F	" "
4408	4450	" Susie, dau.		F	" "
4409	4451	" Emelie, "		F	" "
4410	4452	" Minnie, "		F	" "

4403	4453	Daniels, Burrell	56	M	Creek Indian
4404	4454	" Burrell Henry, son	18	M	" "
4405	4455	" Hank, "	16	M	" "
4406	4456	" Lizzie, dau	17	F	" "
4407	4457	" " Robert, son	16	M	" "
4408	4458	Nelson, Mary gr. dau.	16	F	" "
4409	4459	" Lizzie " "	15	F	" "
4410	4460	Daniels, Tom			M On Orig. Age
4411					26 Correct Name
4412					

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(2)

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on plaza 141 and 142 of the Cherokee Freedman Day Book, and that said entries now in the legal custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the matter of the claim of Darrell Buckles, to the Cherokee Freedom, I do so do.

James Bixby.
COMMISSIONER.

Dated at Muskogee, Indian Territory,
this SEP 25 1905

MISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902
CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Hill,
Talala, I. T.
Cherokee F-D-917
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

B

38911

CHEROKEE ENROLLMENT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

Acting Chairman.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 1901

Post Office Gadalia I.T.

District Eco

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 8. Name of wife Mary Hill Age 22

Owner's name ..... Citizenship .....

Year R.C., Page 181 No. 4458 District Creek Nation

Parents:

Father John Newton Citizenship .....

Mother Nancy Daniels - dead Citizenship .....

Names of Children:

2 3. Alice Hill Year ..... Page ..... No. ..... Dist. 2

4. Year ..... Page ..... No. ..... Dist. .....

5. Year ..... Page ..... No. ..... Dist. .....

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist. .....

9. Year ..... Page ..... No. ..... Dist. .....

10. Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer T. C. Rosson

Doubtful

1 On RC. roll as Mary Newton
1 " Wallace " Page 159 #2320 - Mary Daniels - Creek Nation
2. Birth as guessed.

Ref R 40 Ed D 861

Represented by Mellette and Smith.

15

JD917

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 20 1901

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Mary Hill et al for enrollment as Cherokee Freedmen.

Mellette & Arnold
Attys for applicants

Cher Cherokee Freedmen

COPY.

Cherokee Freedmen
D-917.

Muskogee, Indian Territory, January 19, 1904.

Mary Hill,

Talala, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Alice and Adran Hill, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-77.
Register.

COPY.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

Edgar Smith,

Attorney for Burrell Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, Lizzie and Arlena Shafer as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-79.

Register.

COPY.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, and Lizzie and Arlena Shafer as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Wilson

Enc. D-80

Commissioner in Charge.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Burrell Daniels et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell M., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, Lizzie and Arlena Shafer as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Enc. D-81

Through the
Commissioner of Indian Affairs.

Refer in reply to the following:

Land.

8820;1904.

COPY.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, transmitting the record of the application for enrollment as Cherokee Freedman of Burrell Daniels for himself and his wife Miranda Daniels and minor child, Robert Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer for herself and minor child Arlena Shafer; by Mary Hill for herself and minor children, Alice and Adran Hill; by Lizzie Hayne for herself and minor children, [illegible] and Amos Hayne; by Mack Daniels for himself and minor child Mady Daniels; by Thomas Daniels for himself and minor children, Mary, Louella, and Julia Daniels, and by Burrell H. Daniels for himself.

January 18, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Burrell Daniels, and Miranda, his wife and his minor child, Thomas Daniels were the slaves of a Cherokee citizen at the commencement of the war of the rebellion; that during the war they were taken out of the Cherokee Nation; that after the war they were kidnapped by one Col. Bryant and carried into Mexico and sold into peonage; that in 1871 they

were released from servitude and arrived in San Antonio, Texas, during that year; that they did not return to the Cherokee Nation until the year 1884. The other claimants have no rights except as derived from Burrell, Miranda or Thomas Daniels.

Under date of January 16, 1897, this office submitted for reconsideration and approval the Kern-Clifton roll of Cherokee freedmen. With reference to Burrell Daniels the office said:-

"Commissioners Clifton and Kern join in especially requesting the Department to place upon the roll the name of Burrell Daniels No.4801, and his family. These Commissioners state as follows:

"It was not in the power of the Commission to do this because the evidence shows that he did not return until 1870 or later, but the evidence also shows that at the conclusion of the war he was sold by his owner, a Cherokee, into slavery into Mexico, and kept there for five years, until by the interference of this government, he was taken from Mexican slavery and at once returned to the Cherokee Nation. He and his family are estimable citizens, and these two Commissioners believe that the Cherokee Nation, whilst not willing to recommend his enrollment, yet would not be averse to having him enrolled."

The same question was raised in this case before Commissioner Wallace, and the facts as stated by these Commissioners and as stated by Mr . Daniels himself in his testimony, submitted by them, are corroborative of the testimony as given before Commissioner Wallace, and upon which, he was enrolled by the Department. While under a literal interpretation of the language of the treaty he might not be entitled to enrollment, it was certainly not the spirit of the treaty to exclude persons of this class."

By letter of January 16, 1897, (Int.Div.8875-1896) the Department approved the enrollment of Burrell Daniels.

It does not appear necessary to pass upon the question of the

-2-

Groves of the Cherokees, Terrell, Kirkman and Thomas Parkins during the period allowed for the return of freedman to the Cherokee Nation before February 14, 1907, for the reason that they do not appear to have made proper effort to return to the Cherokee Nation and claim their rights. On the contrary it is shown that it took them thirteen years from the time of their release from prison to get to the Cherokee Nation.

In view of the record the approval of the Commission's action adverse to the applicants is recommended.

Very respectfully,

A. G. Tonner,

Acting Commissioner.

MMM

9

L.R.R.

F.P.

R. C. 41760-1904.

L.R.R. 8840-1904.

THE

L R R

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 24, 1904.

Commission to the five civilized tribes,

Muskogee, Indian Territory.

Gentlemen:

January 18, 1904, you transmitted the record in the consolidated case embracing the applications of Darrell Daniels et al (F.R.-46 et al), for enrollment as Cherokee freedmen, including your decision of January 16, 1904, rejecting said applications.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen
D 917

Muskogee, Indian Territory, June 30, 1904.

Mary Hill,

Tahlia, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Alice and Adrea Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee freedmen
v. Ick, et al.

Muskogee, Indian territory, June 30, 1906.

Edgar Smith,

Attorney for Lizzie Downing, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1906, rejecting, among others, the applications for the enrollment of Lizzie, Edward and Anna Downing, Mary, Alice and Sarah Hill, Linnie and Arlena Shafer, and Andrew, Willie, Lewis, Susie, Thomas, Burley, Rosie, Minnie, Miranda, Ruth, Harvell, Bernada and Robert Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1906.

Respectfully,

Commissioner in Charge.

[illegible] Pawnee
[illegible], et al.

Washington, Indian Territory, June 20, 1904.

W. W. Hastings,
Attorney for the Choctaw Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting the applications for the enrollment of Darrell L. Thomas, Mary, Lucille, Julia, Mack, Mae, Andrew, Willie, Louie, Dale, Thomas, Harley, Neale, Elmie, Elizabeth, Beth, Darrell, Bernice and Robert Daniels, Linda, Henry and Ann Haynes, Mary, Alice and Joyce Hill, and Linda and Arlene Shafer as Choctaw freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Creeks Freedmen
R [illegible] et al.

Muskogee, Indian Territory, July 5, 1906.

William H. Trowbridge,
Attorney for Darrell Daniels, et al.,
Muskogee, Indian Territory.

Dear Sir:

In accordance with your request there is herewith inclosed to you a copy of the testimony in the consolidated case of Darrell Daniels, et al., Creeks Freedmen Nos. 2 40 and 2 [illegible] to 2 [illegible], inclusive, together with a copy of the Commission's decision rejecting the applicants, and a copy of the Department's letter of June 24, 1906, affirming the Commission's decision.

Respectfully,

Encl. V-19

Commissioner in Charge.

COPY.

J. T. D.
1766-1906
2407, 10031-
1904.

OPINION BY THE ASSISTANT ATTORNEY-GENERAL.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

WASHINGTON, May 9, 1906.

The Secretary of the Interior.

Sir:

I received by reference of February 28, 1906, for opinion thereon, the motion of counsel for the Cherokee freedmen for reconsideration of departmental decision of March 22, 1904, approving my opinion of that date, and by reference of February 16, 1906, for consideration in connection therewith, the record in the consolidated case of Burrell Daniels and others (twenty-eight persons) for enrollment as Cherokee freedmen. The latter case is before the Department upon a motion of counsel for the applicants for review of the decision of the Commission to the Five Civilized Tribes adverse to the applicants.

My opinion of March 22, 1904, was rendered upon departmental reference of a request by the Commission to the Five Civilized Tribes for construction of the freedmen enfranchisement clause of Article IX of the treaty of July 19, 1866 (14 Stat., 799, 801):

That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six

months, and their descendants, shall have all the rights of native Cherokees: Provided, ...

The opinion referred to, so far as here in question, summarized, was that: (1) The six months period (from ratification of the treaty August 11, 1867,) is not a limitation, but a condition to the right granted, affecting all, competent or incompetent, and that return within the period therein fixed is an essential part of the facts out of which the right granted arises; (2) That "residents" had reference to the place of the freedman's legal domicile, and not to that of his then accidental, actual, physical presence or temporary place of abode.

The contention of counsel for the freedmen in the present motion is, that the provision, "and are now residents therein, or who may return within six months," has reference only to "free colored persons who were in the country at the commencement of the rebellion," and has no reference to the former slaves described as freedmen liberated by their owners or by law. This contention is based upon an analysis of the grammatical structure and punctuation of the provision, which I have carefully considered, but deem unnecessary here at any great length to discuss. Grammatical structure and punctuation are both proper aids to construction, but neither nor both combined exclude other inquiry into the legislative intent which must

always control, when satisfactorily ascertained, though both grammatical structure and rules for punctuation be disregarded. By this, however, I am not to be understood as conceding the contention that either the grammatical structure or the punctuation indicates that the six months period had reference to the "free colored persons" only, or did not refer to the liberated former slaves. As to structure of the sentence, it appears to me that the words "as well as" are strongly conjunctive, not disjunctive. The phrase "as well as" is defined in the Century Dictionary and Webster's International Dictionary, at the word "as", as meaning "just as much, equally (with), in addition (to), besides, no less (than)." All these definitions or equivalents of "as well as" indicate the idea of equality of merit and of benefit, rather than an intent to give more privilege to or to impose less burdensome obligation or condition upon the first class than upon the second. The circumstances of the time were that the former slaves had late been mere things, chattels, not men, and their claim to recognition and just treatment as members of the organized society could hardly have won higher recognition that that given other persons of the same race who had attained to free manhood years before, or even higher that that given the free-born full-blood Cherokee. A construction that would lead to such result is, in light of the circumstances of the time, not

only irrational, but almost unthinkable, and is clearly erroneous.

As to punctuation, had the intention been to confine the operation of the six months return period to the second or freed colored person class alone, no punctuation to break the flow of connected thought was necessary or appropriate from its initiation with the words "as well as" until the words "six months", when, on this theory, the thought culminated, was fully expressed, and a natural pause was reached. In fact the punctuation is against the theory sought to be based upon it.

The Cherokee Nation at that time had a constitutional provision (Sec. 2, Art. 1) against their own full-blood citizens, that:

> Whenever any citizen shall remove with his effects out of the limits of this nation, and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease.

This provision operated instantly upon the native Cherokee, whenever and as soon as he removed his person and effects from the nation and identified himself with a community alien to it. Had the treaty benefit been limited only to such freedmen, or former slaves as were then in and identified with the nation, the provision would have been as liberal to the freedmen as was the Cherokee constitution toward its own full blood citizens. In giving a six months period for their return

the treaty was more liberal to the freedmen than was the constitutional provision to the native-born. This no doubt was due to the conditions of the time at close of a period of war when social disorder caused many to remove to safer localities. The proper period to be allowed because of such conditions was one to be determined by the treaty parties, but consideration of the circumstances of the time and the provision of the constitution of the Cherokee Nation show that it could not have been intended to give freedmen an unlimited time to return and thus to extend a privilege as to absence far above that of full blood native citizens.

For these reasons, as well as those advanced in my former opinion, I am of opinion that the six months period in Article IX, of the treaty, supra, applies equally to former slaves and to former free persons of color, and adhere to the opinion formerly expressed.

Passing now to the case of Burrell Daniels and others, I desire to call attention to the opinion of March 22, 1904, that "residents" in the treaty has reference to the place of legal domicile, not that of actual accidental presence, and also to my opinion of April 16, 1904 (in I. T. D. 8306-1903; 799 and 1240-1904), in case of Charles Foreman, in the final paragraph of which it was noticed that "one under actual restraint, whether

legal or not, can not freely choose his own place of abode, or his domicile", meaning thereby his place of usual actual physical presence and place of living. At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat., 801) the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands went to Mexico, carrying Daniels with them and sold him to Mexicans, where he was held in peonage until his return was affected by intervention of the United States.

It does not appear when Daniels' deportation occured more definitely than that it was after Kirby Smith's surrender (May 26, 1865), and before August 20, 1866, as Colonel Bryant, in command of the force holding Daniels, had been ordered to turn in his camp equipage, but refused to do so, went south through Texas into Mexico, taking with him the negroes and a herd of cattle. By August 20, 1866, the banditti which infested Texas

after the surrender of the organized armies had been suppressed, dispersed, or expelled, and the termination of the period of war was proclaimed (14 Stat., 814). Colonel Bryant's party was one of these insurgent banditti, and Daniel's removal, deportation into peonage in Mexico, was evidently after the fall of the organized confederate government and surrender of its armies, and was without any semblance of authority of an organized government, but was a mere act of brigandage. It is clear that Daniel's deportation by brigands and sale into peonage in Mexico and his detention there worked no change in his residence and forfeited no rights. While held in peonage he must be regarded as resident and domicile in the Cherokee Nation, and his children born there as born in the nation.

The United States interferred in his behalf, effected his release from peonage, and returned him to the United States after about six or seven years of foreign servitude. He was not returned, however, to his home in the nation, but was left in San Antonia, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated those regions or afforded facility for travel. His rights and the consequences of his delay in effecting his actual return from San Antonio to the Cherokee Nation must be determined upon the same principles as the case of a native Cherokee citizen under section 2, Article 1, of the Cherokee Constitution, had a native citizen, at the time

of Daniel's return by the United States to San Antonio, been forcibly taken and set down at San Antonio.

To that time Daniels had been able to do nothing and had done nothing to change his legal domicile from the nation. He had been forcibly and tortiously deported by brigands and sold into servitude. No rights could be lost thereby in legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the treaty. If upon being freed from physical restraint he returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation. If, on the other hand, he pursued such course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

As to what the fact was in this respect I do not regard it proper for me, in the first instance, to find from the evidence in the record, thus forestalling the Commission to the Five Civilized Tribes and the proper reviewing officers whose province it is to adjudge the facts. As the commission did not base their decision upon proper grounds, but based it upon a

supposed bar in Article IX of the treaty against their consideration of these facts, regarding him as not domiciled in the nation on or prior to August 11, 1867, whereas he should be regarded as so domiciled therein, I am of opinion their decision should be vacated and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Daniels or the nation to introduce further evidence bearing upon the question of intention to change his domicile prior to his actual return to the nation.

Very respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney-General.

Approved, May 9, 1905:

(Signed) E. A. Hitchcock.
Secretary.

J. W. H.
PHE.

DEPARTMENT OF THE INTERIOR,

D. C. 26559-1905.
I.T.D. 5330-1905.

WASHINGTON. May 13, 1905.

Direct.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On June 24, 1904, following the recommendation of the Indian Office of June 17, 1904, the Department affirmed your decision of January 18, 1904, refusing to enroll, as Cherokee Freedmen, the applicants in the case of Burrell Daniels, et al. (F. R. 40).

A motion for review was filed on behalf of the applicants in this case and submitted to the Assistant Attorney General for this Department for opinion. In an opinion rendered and approved May 9, 1905, the Assistant Attorney General held that if the principal applicant, after being freed from physical restraint, returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation; further, that if on the other hand, he pursued such course as showed an intent to choose a domicil and abide elsewhere, his rights should be determined

precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

The opinion was also expressed that as your Commission did not base its decision upon proper grounds, but based it upon a supposed bar in Article XX of the treaty of 1866, regarding the applicant as not domiciled in the nation on or prior to August 11, 1867, whereas he should have been regarded as so domiciled therein, your decision should be vacated and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intent on to change his domicil prior to his actual return to the Nation.

In accordance with this opinion, a copy of which is inclosed, the decision of the Department in the case is hereby rescinded; the record and the papers are returned herewith and you are requested to institute a rehearing in the matter.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

13 inclosures.

COPY.

Cherokee Freedmen

R-394.

Muskogee, Indian Territory, May 31, 1905.

Mary Hill,

Talala, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al. as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 13, 1905, remanding this case for further hearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, and introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED). T. B. Needles.
Commissioner in Charge.

Register

COPY.

Cherokee Freedmen

D-68, et al.

Muskogee, Indian Territory, May 31, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Burrell Daniels, et al. as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 13, 1906, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Incl. D-2.

COPY.

Cherokee Freedmen

R-68, et al.

Muskogee, Indian Territory, May 28, 1906.

Hise & Dulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 18, 1906, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

SIGNED: T. B. Needles

Commissioner in Charge.

Incl. Sol.
Register

Muskogee, Indian Territory, May 25 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of May 13, 1905, (I. T. D. 5330-1905), remanding the record, including the decision of the Commission to the Five Civilized Tribes of January 18, 1904, in the matter of the applications of Burrell Daniels, et al., for enrollment as Cherokee Freedmen, for rehearing and readjudication, in accordance with the opinion of the Assistant Attorney-General, rendered on May 9, 1905, wherein it is held that the Commission erred in adjudicating the rights to enrollment as Cherokee Freedmen of the said Burrell Daniels, et al., under the theory that their rights were barred under Article IX of the Treaty of 1866, and that said applicants' rights to enrollment as Cherokee Freedmen should have been adjudicated under the provisions of Section 2, Article I, of the Cherokee constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;....."

In accordance with said instructions, these applications were set down for re-hearing before the Commission on June 8, 1905, and due notice of said re-hearing was sent to all parties in interest.

On the date set for re-hearing, all parties applicant appeared either in person or by attorney, the Cherokee Nation appeared by attorney, and a re-hearing was had therein and the applications again taken under advisement by the Commission.

There is herewith transmitted the record in said cause, together with my opinion of this date, for further consideration by the Department.

In transmitting this record, I desire to submit my views on the questions of law and fact arising in the adjudication of said applications more fully than they are set forth in the judgment in this cause.

Secretary--2.

The following statement of facts is fully supported by the evidence in this case:

That Burrell, Miranda and Tom Daniels, principal applicants, and Nancy Newton, nee Daniels, deceased, through whom all the other applicants herein claim the right to enrollment as Cherokee freedmen, were, at the commencement of the Rebellion, the slaves of Cherokee citizens; that some time during the summer or fall of 1863, said Burrell, Miranda and Tom Daniels, and Nancy Newton, nee Daniels, deceased, were removed from the Cherokee Nation by one Joel M. Bryant, and, after the close of the rebellion were taken by the said Joel M. Bryant to Mexico, where they remained until some time during the early '70's, when they removed to San Antonio, Texas, and a number of years later removed from Texas to the Indian Territory.

The principal applicants herein allege that they were forced by Joel M. Bryant (after the rebellion) to make the trip to Mexico; that after arriving in Mexico, they were sold into peonage, and compelled to remain in that country six or seven years; that upon their release from

peonage in Mexico they removed to Texas, where, by reason of the condition of their finances, they were forced to remain a number of years, in order to earn money enough to pay their way to the Cherokee Nation, and that, since the close of the rebellion, it was ever their intention to return to said Nation as soon as circumstances would permit. These allegations are denied by the Cherokee Nation.

Under this showing attorneys for applicants contend that said applicants have complied with the provisions of Article IX of the Treaty of 1866, which, in part, provides:

> "That all freedmen who have been libertated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

Numerous letters and briefs have been filed in this case by the attorneys for applicants, in support of, among others, their contention above indicated. This office refers and calls particular attention to certain parts of said letters and briefs material to the question

now under discussion. In this connection is cited the frequent use, by attorneys for applicants, of the term "poor ignorant people" as designating claimants generally for freedman citizenship in the Cherokee Nation. Aside from the fact that ignorance does not excuse them from compliance with the law, this office advisedly says that the term is a misnomer, and, after several years experience with this class of applicants, it is convinced that they are as fully capable of protecting their own interests as are the Indian citizens of the Cherokee Nation. And the applicants in this case are anything but exceptions to their class.

Several reasons are advanced by their attorneys why said principal applicants should not be required to show that they returned to the Cherokee Nation, after the rebellion, within the time stipulated in said Article IX of the treaty of 1866, as interpreted in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., but, except the one below discussed, all have been disposed of by the Assistant Attorney-General, in his opinion above referred to.

Secretary--8.

After asserting that "A slave can have no domicile, inasmuch as he cannot possess one of the requisitions, namely, intention", that "A slave had no political rights; 92 U. S. 27", and that "Domicile is a political right", they argue as follows:

> "In the United States a slave was capable of committing crime, of receiving his freedom; of being the subject of homicide, and of modifying, by his volition, very materially, the rules applicable to other species of property. While, under the civil law, slaves were classed among things, and as such, a slave was not considered capable of violating the criminal or civil laws of the country, any more than other domestic animals.
>
> "The modifications placed upon the old civil law theory, were the results, largely, of statutory enactments, since genuine slavery was not known under the original common law. The villiens of the early English times were but feudal tenants of the lowest grade, and were but monuments of Danish tyranny."

From thisline of argument they drew the conclusion that:

> "On account of the above named conditions, a slave, emancipated in the United States, acquired the domicile of his owner by operation of l w, in the same manner that an infant acquired the domicile of its ancester, by inheritance." Brief filed with the Department, December 12, 1904.
>
> And again, "When by act of the National Council in February, 1863, the shackles fell from all Cherokee

slaves, this petitioner became a Freedman, and acquired a right of domicile in some place. From the very nature of the circumstances he must have become vested with the same domicile as his master." Paragraph 1, page 20, Brief filed with the Department, May 6, 1905.

This office is free to admit its inability to follow the reasoning of the attorneys for the applicants, in the extracts from their briefs above set out, but the conclusion reached it can fully understand, and as they cite no authority to sustain their position, it is considered that their conclusion is subject to serious doubt, if not complete rebuttal.

Following the reasoning of attorneys for applicants in this case, the Assistant Attorney-General says:

"At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat. 801), the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion, Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands, went to Mexico, carrying Daniels with them, and sold him to Mexicans, where he was held in peonage until his return was effected by intervention of the United States." Page 6, Asst. Atty-Gen'l's Opinion.

"To that time Daniels had been able to do nothing,

> and had done nothing, to change his legal domicile from the Nation. He had been forcibly and tortiously deported by brigands, and sold into servitude. No rights could be lost thereby. In legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the Treaty. If upon being freed from physical restraint he returned to his home in the Nation within such time as was reasonably necessary, considering his means and circumstances, and the facilities for travel, he should be regarded as never having been absent from the Nation. If, on the other hand, he pursued such a course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the Nation and took up his residence at San Antonio." Page 8, Asst. Atty-Genl's. Opinion.

It is well settled that prior to the rebellion an African, whether slave or free, had no civil, social, or political rights or capacities whatsoever, except those conferred by statute." And, "every attempt to extend to a slave positive rights was an attempt to reconcile inherent contradictions, for, in the very nature of the case, he was subject to despotism. Law, as to him, was only a contract between his rulers;" Bryan v Watson, 20 Ga. 480; ex parte Boylston, 2 Strob. (S. Car.) 41; Dave v State, 22 Ala. 33; Oliver v State, 39 Miss. 527; Jacobs v State, 3 Humph. (Tenn.) 493;

Mason v State, 4 Humph. (Tenn.) 421/ "He was more property, and in the United States the right of property in a slave was recognized not only in the Constitution, but by every Department of the government, from its foundation to the commencement of the rebellion. The institution was regarded as beyond all cavil entitled to the benefits of all the provisions and guarantees for the protection of any other property". Prigg v Com. 16 Pt.(U.S.) 539; Dred Scott v Sanford, 19 Howard (U.S.) 393; Neal v Farmer, 9 Ga. 555; Bedingʼs Will 4 Dana, (Ky.) 476; Corbin v Marsh 2 Dev. (Ky.) 193; Thornton v Robbins 5 Sned.& M. (Miss.) 609; Hendelite v Thurman, 22 Grat. (Va.) 466, 12 Am. Rep. 526.

In view of the foregoing it is quite apparent that any civil, social or political rights African slaves enjoyed in this country prior to the rebellion must have been conferred upon them by statute, and in the absence of any showing that by statutory enactment slaves were granted the right to acquire a domicile by inheritance, or otherwise, or that said domicile was to be that of their masters, it is not unreasonable to presume that such right did not exist, and

that to ascertain the domicile of a slave since freed the same rules of law are applicable as are applicable to any other free person.

Accepting, for the sake of argument, February 18, 1863, as the date upon which Burrell and Miranda Daniels obtained their freedom (which, however, is error, as at that time said principal applicants were without the jurisdiction of the Cherokee Nation, and, under the law and as a matter of fact, were not free prior to the close of the war), it is considered that any political rights now possessed by them must have been conferred upon them on or subsequent to said date, and as the right of domicile is a political right, their domicile at any time since being freed should be determined in accordance with the law applicable to persons sui juris.

In connection with the foregoing attention is respectfully called to the following authorities, which clearly define the requirements necessary for an adult to establish a legal domicile:

"To acquire a domicile two things must concur: (1) A residence; (2) An intention to make it the home of the party." Hart v Lindsey, (17 N. H. 235)/ 43 Am. Dec. 597;

"Residence and intention to remain must both concur in order to establish domicile". Gilman v Gilman (52 Me. 165), 83 Am. Dec. 502; Gravillion v Richard (13 La. 298), 33 Am. Dec. 563.

"To acquire domicile there must be a residence in a place and an intention to make it one home". Viles v City of Waltham (157 Mass. 548), 34 Am. State reports 311.

"Domicile can only be acquired by the fact of bodily presence, coupled with the requisite animus". Jacobs Law of Domicile, Sec 93, page 150.

"A new domicile is not acquired by mere intention to so acquire it, without the fact of an actual removal, nor is it acquired by a removal without the intention". Ringgold v Barley (5 Md. 186), 59 Am. Dec. 107.

"Intention to reside must relate to the future, and not to the past, where it, combined with residence, is relied upon to establish a domicile". Gilman v Gilman, supra.

Numerous authorities to the same effect could be collected, but it is considered that the foregoing citations are sufficient to show that two things must concur in order to establish a legal domicile: (1) Bodily presence; and, (2) An intention to make it the home of the party. If either

requisite be lacking, or they are not coincident, no domicile is established.

Applying the law of domicile to the facts established by the evidence in the case now under consideration, it will be found that prior to 1884, if then, one or the other of these elements necessary to establish their domicile in the Cherokee Nation, was ever lacking on the part of the applicants. Prior to February 18, 1863, when the principal applicants were bodily present in the Cherokee Nation, they had not the legal capacity to possess one of the requisites, namely, intention, andin so far as this office is able to discover after a somewhat exhaustive research, there is no law, custom or judicial decision to the effect that this intention could have been supplied or exercised by any one for them.

Subsequent to said last above mentioned date, and prior to 1884, while they may have possessed, during all this time, the legal capacity to choose a domicile, the fact remains that they were not bodily present in the Cherokee Nation during said interval,; consequently, said applicants

did not, and as a matter of law could not, establish a domicile in said Nation until they were not only bodily present, but legally capable of intending to make that Nation their home, which requisites, as the evidence shows, did not concur prior to the year 1884. Hence, under the law, they did not comply with the provisions of Article IX of the Treaty of 1866, relative to establishing a residence in the Cherokee Nation.

On May 23, 1904, the Assistant Attorney-General, in reply to certain questions submitted to him by the Attorneys for the Cherokee Nation, held that:

> "The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given or created by the treaty. It is not in the nature of a condition precedent but essentially part of the facts out of which the right given arises. There is no right independent of the condition imposed. Such limitation affects all alike, competent or incompetent.
>
> "Residence is a word of varied meaning, incable of accurate definition without reference to the context in which it appears. It is used with equal propriety in the sense of legal domicile, and in that of a temporary place of abode. The context shows that the object of the provision (Article IX treaty of 1866), was to give the status of citizenship in the Cherokee Nation to classes of persons who before did not have it, many of whom had lately been mere chattels. Its purpose

was to raise persons of inferior or no civil status to that of dignity and of legal equality with the body of citizens.

"I am of opinion that physical return of the person within the time prescribed by the treaty was not necessary in those cases where a domicile therretofore held in the Cherokee Nation had not been abandoned or lost, and that the person might be excused from return by inability or like reasons as prevent loss of domicile by one not actually resident at the place of legal domicile".

This ruling was followed by the Commission in numerous decisions since rendered, and it was ever its understanding that it was incumbent upon freedmen claimants to show that during the interval between the time of obtaining their freedom and February 11, 1867, they, or the ancestor through whom they claim their right, had established a legal domicile in the Cherokee Nation. The question of facilities for travel, financial conditions, distance applicant was removed from the Cherokee Nation, size of his family, and a great many other hindering causes that applicants may now plead, if the new ruling in this case is permitted to stand, were never gone into, but applicant's rights have ever been determined upon, among others, the clear-cut proposition--Were you or those through whom you claim the right to enrollment as a Cherokee freedman, actually present in

the Cherokee Nation with the intention of establishing a residence therein, during the interval between the date of being freed and February 11, 1867? And it is but fair to the Cherokee Nation that this should be the extent of the inquiry along this line.

The Cherokee Nation is not responsible for the existence of conditions that prevented the freedmen from complying with the treaty stipulations of 1866; and, further, if freedmen claimants are permitted to plead the many reasons suggested by the new ruling in this case, as excuses for their non-compliance with said treaty stipulations, the Nation is at the mercy of the freedman applicant, for not only are the majority of these reasons matters peculiarly within the knowledge of the applicant, but, if alleged, as undoubtedly they will be, are at this la te date incapable of being rebutted.

Furthermore, this ruling, in effect, removes from Article IX of the Treaty of 1866, the time limit within which freedmen were required to establish their residence in the Cherokee Nation. If the said Act of February 16, 1863, ipso facto, made absent freedmen domiciled citizens of

the Cherokee Nation, what objection there be for investigating the question as to when freedmen applicants or their ancestors returned to the Cherokee nation and established their residence therein after the rebellion, when the only advantage to be obtained by complying with this provision was to secure a political right which, under the ruling in this case was already theirs?

Under this ruling the only question for investigation and determination would be: Has there been a forfeiture of the rights absolutely conferred by the treaty of 1866, upon those who were the slaves of Cherokee citizens, or free colored persons residing in the Cherokee country at the commencement of the rebellion, and their descendants?

It is for these reasons:

(1) The ruling of the Department is not in accordance with the law; and,

(2) To follow said ruling to its logical conclusion will necessitate the reopening of numerous cases heretofore passed upon by the Commission to the Five Civilized Tribes and the Department and the adoption of an entirely new construction of the law applicable to Cherokee Freedman cases;

that this office respectfully requests that the ruling in this case be reconsidered and the former decisions of the Department in this class of cases be adhered to.

It is however, considered by this office that even though Burrell and Miranda Daniels and family were domiciled citizens of the Cherokee Nation on or prior to February 11, 1867, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, and in this connection attention is called to the following points in this case.

The evidence in this case does not show that Joel M. Bryant refused to turn in his equipage at the close of the rebellion; or that he was at the head of an "insurgent band" or that he or any one of his company, ever stole a bovine in their lives; neither does the evidence show that either or any of them compelled any red, white or black man, woman or child, to accompany them to Mexico, in 1865, or at any other time. All such allegations are based upon the unsupported and uncorroborated testimony of Burrell Daniels.

In re testimony of Burrell Daniels: This applicant seems to have had a wonderful knowledge of his former

master's business- at a time too, when he would have it believed that his ex-master was engaged in a transaction that required secrecy. He is perfectly familiar with the motive that prompted Joel Bryant to go to Mexico, and testifies positively that Col. Bryant sent certain members of his party, giving their names, from West Texas to East Texas to steal cattle; and that after a short absence they returned with 1500 head, which they took across into Mexico. He further testifies that he never could read or write, but that he, with others, was compelled at the point of a gun, to enter into a contract whereby they agreed to pay Col. Bryant for their transportation from Texas to Mexico. All of which is denied, and the contrary alleged by two witnesses for the Cherokee Nation, who were members of Col. Bryant's party from Texas to Mexico in 1865.

Attention is further called to the testimony of Burrell Daniels rela tive to his return from Mexico to Texas: On his first appearance before the Commission he testified that he and his family were released from peonage in Mexico through the intervention of President Grant, and that they

were brought from Chihuahua to the Rio Grande by soldiers sent into Mexico to effect their release; that the soldiers paid him $20.00 for services rendered during the trip, and that he and his family immediately thereafter started for San Antonio. On his last appearance before the Commission he omitted the soldier feature of his release and return, and testified that he effected the release of himself and family in Mexico, by labering until the amount for which he was held was satisfied; that he, leaving his family at Chihuahua, together with Mr. Brown, a lumberman, followed a train of wagons from Chihuahua to the Rio Grande river, where he worked in a mill for ten months, during which time he sent money to his family in Mexico for their support; that finally, he arranged with a man in charge of a Mexican wagon train to bring his family to him, the consideration being $15.00, and that after their arrival, he and his family remained on the Rio Grande river for a while, or until he arranged with the boss of another wagon train to transport himself and family to San Antonio, and that, on their arrival at the latter place, instead of charging him anything for transportation, the man in charge of the train paid him $10.00, for services rendered during the trip.

In view of the many unreasonable and improbable assertions made by the applicant, Burrell Daniels, relative to matters that he could have known only by hearsay, or by drafts upon a rather vivid imagination, of which he seems possessed, in connection with the many contradictory statements made by him, it is considered that his testimony is of little value in ascertaining the facts at issue in his case, and that his acts, in connection with certain facts known to this office, will better serve as a guide in determining whether or not it was his intention, after the rebellion, to return to the Cherokee Nation as soon as circumstances would permit.

Burrell Daniels testifies that he knew nothing of the treaty of 1866 prior to his removal to the Cherokee Nation in 1884, hence, it cannot be inferred that during the interval between July 19, 1866, and the date of his removal to said Nation it wasever his intention to comply with its provisions.

The testimony of Burrell Daniels as to dates and places of birth of his children, records of their marriages, and other attendant circumstances, shows that he and his family

lived at least twelve years in Texas; but, after the most thorough examination, this applicant will account for but five and one-half years spent in that state, which, on its face shows an indication to keep back facts that could tend to show whether or not he intended to make Texas his home.

It is urged by the attorneys for applicants as a reason for Daniels and his family's failure to return to the Cherokee Nation at an earlier date, that their stay in Texas was at a time when no railroads had penetrated these regions (Weimar and San Antonio, Texas), or afforded facilities for travel. This is but a quotation from the Assistant Attorney-General's opinion rendered on May 4, 1905, therein he says:

> "He (Burrell Daniels) was not returned, however to his home in the Nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated these regions or afforded facilities for travel".

It is a matter of public knowledge that the Missouri, Kansas and Texas railway was built through the Indian Territory to Denison, Texas, during the years 1871 and 1872, and

it is known to this office that this line passes through the Cherokee Nation within ten miles of Burrell Daniels' old home on Grand River.

> "In 1850, General Sidney Sherman organized, in Boston, Mass. a company for the building of a railroad in Texas. In 1852 the Buffalo Bayou, Brazos & Colorado road was begun, and the shrill whistle of the engine was heard at Harrisburg. The road, in 1859 had reached the Colorado river, only sixty-five miles from its starting point. This was the beginning of the great line now known as the 'Sunset Route' (Southern Pacific)". A new History of Texas, Revised Ed. page 332. (This is the railroad on which Burrell Daniels and his family traveled from San Antonio to Weimar, shortly after their removal from Mexico to Texas).
>
> "In 1846 a charter was granted to the Houston & Texas Central; work was not begun till 1853, and in 1861 not more than eighty miles had been completed. Twelve years later the road reached Denison and became a mighty thoroughfare of traffic.
>
> "Even as late as 1867 the railroads in Texas were few in number and limited in extent, the total mileage amounting to not more than four hundred miles. From 1873 to 1890 there was a wonderful increase; roads sprang up in all directions, new sections were opened and rapidly settled, everywhere the iron horse carried civilization, comfort and luxuries." Ib.

Thus it will be seen that as early as 1873 there was a direct all-rail route from that part of Texas (Weimar and San Antonio), where the Daniels's were located, to within

a few miles of their old home in the Cherokee Nation. This, it is believed, fully settles any question as to the railroad facilities between the Cherokee Nation and San Antonio, Texas, and successfully rebuts any allegations to the effect that such facilities were inadequate.

It is contended in behalf of applicants, that while Daniels and his family were living in Texas, they were the "victims of the vicious system of share-farming" and that this must be considered as one of the attendant circumstances which prevented them from returning to the Cherokee Nation at an earlier date. Burrell Daniels testified that he raised four crops in Texas. The first year he came out in debt. The second year he left the place after the crop was put in. The third year he came out even, and the fourth year he made enough out of the crop to pay up "all our debts and everything and we had enough money to come to Muskogee." This is the extent of their farming in Texas, so far as the record shows, and it does not indicate that they were the victims, for any length of time, at least, of the

so-called "vicious system of share-farming", alleged to be at that time prevalent throughout the south.

Another feature established by the evidence in this case, and worthy of comment, is this: The testimony of Burrell Daniels shows that starting from Chihuahua, Mexico, with no financial means, and traveling only by wagon train, the distance between Chihuahua and San Antonio, Texas, 520 miles, was covered by himself and family within a few months, but to cover the distance between San Antonio, Texas, and Muskogee, Indian Territory, 568 miles overland, or 703 miles by rail, required twelve years for himself and a part of his family to make the trip, and for other members of his family it required twenty-four years to reach the Cherokee Nation.

Attention is also called to the fact that the evidence in this case shows that Burrell Daniels and those who returned with him to the Territory after the rebellion, did not settle in the Cherokee Nation, but rather in the Creek Nation, where, as indicated by the Wallace Roll (1889), Cherokee Census Roll of 1893, and Kern-Clifton Roll (1896), they resided continuously for twelve or thirteen years.

The foregoing it is respectfully recommended shows conclusively that neither Burrell Daniels, nor any member of

his family returned to the Cherokee Nation long after the rebellion as soon as circumstances could permit, but rather that the return of part of this family to the Indian Territory nineteen years after the close of the rebellion and the return of other members of said family thirty-two years after the war, was due to some cause other than a desire or an intention to save or acquire any citizenship rights in the Cherokee Nation.

This cause is discussed thus in detail because of its great importance to the work of enrollment of the Cherokee Freedmen. This work is at the present time almost completed. It has been attended by many difficulties caused principally by the reason that the facts to be established occurred thirty-five or more years ago, which lapse of time necessarily dims and clouds the memory of the witnesses.

The great bulk of this work was done under precedents and an interpretation of the laws wholly at variance with the opinion of the Assistant Attorney-General of May 9, 1905, rendered in this cause, and the confusion which would result from a change at this late date cannot be overestimated.

Already many not have to reopen and reconsider in the light of this ruling cases long since closed, have been

filed and many other applicants are only waiting for final decision in this case along the lines laid down in the opinion of the Assistant Attorney-General, supra, to pray for a reconsideration in their cases.

It is therefore respectfully recommended that this matter be again carefully considered in the light of the views herein set forth and that my decision in this case, herewith transmitted, be affirmed.

Respectfully,

(signed) Frank Bixby.

Commissioner.

Through the

Commissioner of Indian Affairs.

Incl. E 90
IMB

Cherokee Freedmen

-COPY-

R-40, et al.

Muskogee, Indian Territory, September 26, 1905.

Blue & Bulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 26, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby,

Commissioner.

LS
Incl. R-42
Register

Cherokee Freedmen

B-40, et al.

COPY

Muskogee, Indian Territory, September 25, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 23, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 23, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

IS

Incl. 5-49

Cherokee Freedmen COPY

R-394.

Muskogee, Indian Territory, September 26, 1905.

Mary Hill,

Talala, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 26, 1905, rejecting, among others, your application for the enrollment of yourself and minor children as Cherokee freedmen. There has heretofore been furnished your attorneys, Sims & Salger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 28, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby,

Commissioner.

LS
Incl. S-46
Register

Cherokee Freedmen

COPY.

R-394.

Muskogee, Indian Territory, September 26, 1905.

Mary Hill,

Talala, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself and minor children as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 26, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED.

Tams Bixby.

Commissioner.

LS
Incl. S-46
Register

Muskogee, Indian Territory, October 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On September 25, 1905, there was transmitted to the Department the record of proceedings had in the consolidated case of Burrell Daniels, et al., Cherokee Freedman R 40, et al., wherein, in its decision rendered on said date, this office found that the said Burrell Daniels, et al., possessed no rights to Cherokee freedmen citizenship. Said letter set forth the views of this office relative to the law applicable in determining the rights of said applicants to enrollment as Cherokee freedmen.

I now have the honor to direct your attention to certain proceedings had before the Court of Claims, in the case of Charles Journeycake, et al., v. the Cherokee nation, et al., 31 C. of Cls. 40, and which are considered pertinent to the position taken by this office, and material in de-

termining the rights to Cherokee citizenship of the above indicated applicants.

CHARLES JOURNEYCAKE, PRINCIPAL CHIEF, v. THE CHEROKEE NATION ET AL.
JOHNSON BLACKFEATHER, PRINCIPAL CHIEF, v. THE SAME
MOSES WHITMIRE, TRUSTEE, v. THE SAME.
(Nos. 16837, 16857, 17209. Decided January 27, 1896)."

"On complainant's Motions."

"V. .. .. The treaty with the Cherokee Nation, 19th July, 1866 (14 Stat. L., p. 799, Art. IX), provides that the freedmen of the Nation who 'are now residents therein , or who may return within six months, and their descendants' shall be entitled to dwell and occupy land in the Cherokee country. This was intended for the protection of the Cherokee Nation. That is to say, freedmen and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

The Reporters' statement of the case:

"The grounds upon which the motions were based will be found set forth in the opinion of the court. After the decision upon these motions had been announced, the counsel for the complainants in the freedmen's case requested that certain instructions be given to the Secretary of the Interior in regard to the payment of the fund. These the court referred to the Secretary for his consideration. Subsequently the court was informed that the Commissioner of Indian Affairs desired the instructions of the court as to how he should proceed under the decree in determining who were the resident freedmen entitled to share in the distribution of the fund. The court accordingly addressed to him the communication of February 18, 1896, which follows the opinion."....

"Court of Claims,
"Washington, February 18, 1896.

Hon. Daniel M. Browning,
Commissioner of Indian Affairs.

Sir: The Court is informed that the Commissioner of Indian Affairs desires its opinion in regard to the fifth of the proposed instructions referred for the consideration of the Secretary of the Interior February 15, 1896.

"The decree in this case follows and refers to Article IX of the treaty with the Cherokee Nation, July 19, 1866, and the persons therein designated are the complainants in this case, entitled to payment under the decree."

Syllabus.

"The court is of the opinion that the clauses in that article in these words, 'And are now residents therein, or who may return within six months, and their descendants,' were intended, for the protection of the Cherokee Nation, as a limitation upon the number of persons who might avail themselves of the provisions of the treaty; and consequently that they refer to both the freedmen and the free colored persons previously named in the article. That is to say, freedmen and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

"The court is also of the opinion that this period of six months extends from the date of the promulgation of the treaty, August 11, 1866, and consequently did not expire until February 11, 1867."

"Wm. A. Richardson,
"Chief Justice."

The foregoing is a part of the proceedings had in the case of Moses Whitmire, Trustee, etc., v. the Cherokee Nation et al., and is the interpretation of the Court

of Claims placed upon its decree in said Whitmire case, rendered on February 3, 1896, hence, in legal effect, is a part of said decree.

Paragraph II, section 21, of an Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

> "It (the Commission) shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

Said Paragrap h II, above quoted, is the jurisdictional act under which this office is making a roll of Cherokee freedmen, and it is respectfully submitted that in view of the foregoing, neither this office nor the Department, has authority to grant the a plication for the enrollment as a Cherokee Freedman of any one who can not show that he , or , in case of one who claims as a descendant, that the ancestor through whom he obtains his right to Cherokee Freedman citizenship, was actually residing in the Cherokee Nation on August 11, 1866, or established a residence in said Nation within six months thereafter.

It is respectfully requested that this letter be

made supplemental to, and considered as a part of the record in, the proceedings had in the case of Burrell Daniels, et al., applicants for enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

(COPY)
WCP

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.
WASHINGTON.

118-19 06.
I.T.D.

February 27, 1907

The Secretary

of the Interior,

Sir:

You referred the papers relating to the application of Burrell Daniels et al., for enrollment as Cherokee freedmen, for opinion concerning questions of law presented by the Commissioner to the Five Civilized Tribes.

This case has been under consideration at various times and in opinion of May 9, 1905, it was recommended that the decision of the Commission to the Five Civilized Tribes, adverse to applicants, be vacated, "and the case readjudicated under the removal or expatraition provisionof the Cherokee constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation." The case was returned to the Commissioner of the Five Civilized Tribes and further hearing was had. The facts developed are substantially that Daniels and other negroes, formerly slaves of Cherokees, at about the close of the civil war were taken out of the Cherokee Nation and to Mexico where they were held under the peonage law of that country until about 1872 when they were returned to this country. Daniels

remained at San Antonio and other places in Texas until about 1864 when he returned to the Indian Territory. He claims that he was not before that time able to save enough to carry him to his former home although it was always his desire and intention to so return. Upon his return he stopped at Muskogee in the Creek Nation and the date when he actually entered the Cherokee territory is not clearly shown.

The Commissioner of the Five Civilized Tribes held that Daniels was not entitled to enrollment. The Indian Office was of opinion that Daniels and others with him did not use diligence in returning to Indian Territory and are not entitled to enrollment:

The act of April 26, 1906 (34 Stat., 137) provides:

The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six; or who actually returned and established such residence in the Cherokee Nation on or before February eleventh eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes, or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.

Upon the theory that Daniels' departure from the Cherokee Nation was not voluntary it might be held that notwithstanding his removal he still held a legal residence in the Nation. Evidently, something more than constructive legal resi-

dence was contemplated by the act of 1906. It had previously been held that one who had a constructive residence in the Nation, August 11, 1866, was within the terms of the treaty of July 11, 1866 (14 Stat. 801), which provided that freedmen and free colored persons "who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees." If it had been intended that this ruling should continue to control there would have been no necessity for further legislation on the subject. The only possible conclusion is that it was intended by the Act of 1906 to change existing law as construed and to provide some different and stricter rule to guide in the enrollment of Cherokee freedmen. Evidently, it was intended to require something more than constructive residence. Under the new rule one, to entitle himself to enrollment as a Cherokee freedman, must show that he was actually not constructively residing in the nation August 11, 1866, or that he returned and established in person an actual residence within six months from that date or that he is a descendant of some person who had met these requirements. When this rule is applied to the applicants it seems clear that they can not be enrolled in spite of any equities they may have in the premises.

Nor are they saved by the qualifying clause. While they have met the condition of having made application they have

not been adjudged entitled to enrollment by the Secretary of the Interior.

I am of opinion, and so advise you, that the provision of the act approved April 26, 1906 prevents the enrollment of these applicants.

The papers are herewith.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved:

February 22, 1908,

E. A. Hitchcock,

Secretary.

E.S .13487

E.T.B.5464-1907 COPY SPECIAL EXC. J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

ADDRT.

February 28, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of February 27, 1907 approved the same day, in the matter of the application of Burrell Daniels et al., for enrollment as Cherokee freedmen.

In accordance with said opinion the application is denied.

The papers in the case have been transmitted to the Indian Office, with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 11 enc.

for ind. Off.

A F Ms

3-1-07

Cherokee F.
R 224

COPY

Muskogee, Indian Territory, March 13, 1907.

Mary Hill,

Talala, Indian Territory.

Dear Madam:

You are hereby advised that the application for the enrollment of yourself and children as Cherokee freedmen, was denied, among others, by the Secretary of the Interior, February 28, 1907.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

JMH

Cherokee F.
R 60, et al.

COPY

Muskogee, Indian Territory, March 13, 1907.

William M. Graves,

Attorney for Burrell Daniels, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Encl. M-24
JMM

Cherokee 2,
Ind. et al.

COPY

Washington, Indian Territory, March 16, 1898.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

We are hereby advised that the applications for the enrollment of Dawes Intals, as also of Cherokee freedmen, were denied by the Secretary of the Interior, February 26, 1898.

For your information, there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Enclosure
JMC

Cher. Fr. R-395

See Cher. Fr. R-393, R-394, R-396, R-40

Cher. Fr. R-395

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 22 1917

in the possession of the Commission. The data in his case, Robert is found on the Dawes Citizen roll of 1896. They are all duly identified by the testimony in the testimony his application for enrollment as a Cherokee Freedman and that of his wife Hudson will be reviewed and they will be rejected.

[illegible] commission to the Five Civilized Tribes [illegible] proceedings had in the above cause and the true and correct transcript of the [illegible]

Subscribed and sworn to before me this [illegible] Fort Gibson, I T

[illegible]

[illegible]

[illegible] the Commission to the Five Civilized Tribes [illegible] or that the same is a true and correct copy [illegible]

[illegible]

Sworn to and subscribed before me this [illegible]

File with Cherokee Freedman, D- 881, Andrew Daniels

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 10th, 1901.

In the matter of the application of Burrel Daniels for the enrollment of himself and wife and one child as Cherokee Freedmen; He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Burrle Daniels.
Q How is your age? A About 70.
Q What is your postoffice address? A Talala.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized as a Cherokee Freedman by the Cherokee authorities? A (No response)
Q Is your name on any of the Cherokee rolls? A Yes sir.
Q Who is it that you desire to have enrolled besides yourself?
A My wife, and children.
Q What is your wifes name? A Marenda.
Q How many children have you under twentyone? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 20.
Q About how old is your wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No sir, but it is on the Wallace roll and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand river west of Vinita.
Q Were you a slave? A Yes sir.
Q What was your owners name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes sir.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q When did you return from the Choctaw Nation to the Cherokee Nation
A They taken a bunch of us and went to Mexico.
Q How long did you stay there? A Five or six years, in Mexico on a ranche and one year with a Jew from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I dont know how long, I was working my way back from place to place, didnt have any means of getting back and had yo work my wa.
Q When did you get back to the Cherokee Nation? A I dont remember exactly the date, but I got back here when Mr. Bushyhead was chief. I got back when Cherokee Council was in session and Iapplied to the Council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Guss Ivy and some others took it up and it passed all the council excepting the full bloods and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the Council excepting the full bloods and they did not wait for them and Council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Nation.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes sir.
Q Did she come back with you? A Yes sir.

Q Where was Robert born? A He was born in San Antonio.
Q How old was he when he came to the Cherokee Nation? A Dont know exactly, he was just a little bit of a kid though.
Q Was he with you all the time? A Yes sir.
Q Did he come back with you? A Yes sir.

Edgar Smith, attorney for applicant, continues examination:

Q State just how you happened to be taken to Mexico at the close of the war instead of coming back to the Cherokee Nation?
A Well it was just this way: when the war ended and we were going to come back here, General Cooper ordered Col. Bryant to turn over all his teams and he refused to do it and he then gathered up a bunch of us colored people and started south with them and we got in to Texas and there were camped on the plains and rounded up a bunch of about fifteen hundred head of cattle and went on to the Rio Grande river, and before we crossed over into Mexico he made us all get into line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves was set free did not owe their old masters anything; but he drewed it up in writing and made us all sign it and then we went into Mexico and there the Mexican government didnt have any law as old "Maxamillian" was in power then, and they had a law called the Peon law and the peoned me out to a Mexican. The Mexican governor ---- ------- gave $113.00for me and I worked for him on a ranch for several years until a Jew fellow who had come from New York came round there and said that his wife was used to colored people and wanted one for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him and he was living in Chihauhau and I was taken there and cooked for him for a year. The Governor of Chihauhau who was named Don Terasse was the man who had me peoned and the Jew paid us out from him. They taken us to Chihauhau the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. Bryant and there was some people there who taken our part and put it into court and we staid in court a week but the Mexicans had no law there anymore as old "Maximillian" was there and in power and they said that if we had been there sooner that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and then Gen. Grant sent them two offers down there in regard to relieving us and they took us away and they went from Chihauahu to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would shoe so many mules for them and when they got to a certain place across the Rio Grande called ---------- they left us and I went on to San Antonio. When the troops left us I asked them how muchmI owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed my $20.00and then I went on to San Antonio with my family.
Q A d the officers brought you into Texas and turned you lose and you went on to San Antonio? A Yes sir.
Q And you say you worked in San Antonio several years before coming on to the Cherokee Nation? A Yes sir.
Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work you way to the Cherokee Nation? A Yes sir, I was taken down there by Col Bryant and peoned out to Don Lewis Terasso the Governor of Chihauhau.

Q And that is the reason that you did not come back to the Territory?
A Yes sir.
Q Were you a slave during the war, or before the war? A Yes sir, I was before the war, and during the war was a teamster and cook in the Confederate army.
Q So it was some years after the surrender that you got back to the Indian Territory? A Yes sir; I found my mother here on the river when I got back. I came back from San Antonio and was chief.
By W. W. Hastings, Cherokee Representative:
Q About what year was it that you came from Texas to San Antonio? A I dont know.
Q You stated that you served in San Antonio several years? A Yes sir.
Q How many? A Five or six years on a ranch in Mexico.
Q Then you were in Mexico after the war for five or six years?
A Yes sir.
Q I believe that you testified that you came back to the Cherokee Nation when Mr. Smallwood was chief? A Yes sir.
Q That for five or six years after the war you were in Mexico and then you went to Texas and staid there several years before coming on back here? A Yes sir I worked in San Antonio several years before I came back here.
By Edgar Smith:
Q State more fully at what time you were taken to Mexico and by whom that was done. A When we got there in Mexico he (Q Who) A Col. Bryan I was owned about a mile from the city of Chihuahua and was selling off the colored people to pay what he said we owed him. He was little girls go for $50.00 each and when I saw it I walked away and went into the city and he had my arrested and there were some people there who taken out part and took it into court and we staid in court about a week, and at that time old "Maximilian" and his French was in power and the Mexican Government had no laws and they peoned us all out to pay that claim and the Governor of the State of Chihuahua said that he would pay $113.00 for me and he paid it to him Q Who paid it to who? A The Mexican governor to Col. Bryan; Col. Bryant said that me and my family owed him $500.00 and the Governor of Chihuahua paid him $113.00 and we worked on his ranch.
Q Did you owe him anything? A No a cent.
Q But you were sold to the Mexican Governor for $113.00 and worked for him on his ranch? A Yes sir.
Q How long did you work on that ranch? A Five or six years.
Q You say Gen Grant took you out? A Yes sir sent two officers to take us out.
Q How much money did you have when you left Mexico? A Didnt have any.
Q Why didnt you come back to the Indian Territory right away after you left Mexico? A Well I got to San Antonio and had to work there to get on as I did not have any money and had a large family.
By Commissioner Needles:
Q How long did you stay in Texas? A Dont know how long, worked in San Antonio several years.

The Kenis-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows:
Page 181, No. 4452, Drewwall Daniels, Creek Nation.
Page 181, No. 4453, Robert [illegible], Creek Nation.

By Com'r Needles: The name of Purrel Daniels is not found on the authenticated roll of 1880 or the census roll of 1890, but his name is on the Kenis-Clifton pay roll of 1896. The name of his wife Mamude do not found on any of the rolls.

in the possession of the commission. The name of his son, Robert is found on the Cherokee roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment as a Cherokee freedman and that of his wife and son, will be refused and they will be rejected.

Chas. von Weise, being sworn states that as stenographer to the commission to the Five Civilized Tribes he reported in full all the proceedings had in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 11th of April, 1901, at Fort Gibson, I.T.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.

Commissioner.

Burrell Daniels, who is listed for enrollment upon rejected card No. 3-40, and the testimony taken in the case of the said Burrell Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith. He makes satisfactory proof as to his residence, and avers that he was married to his wife Dora in the State of Texas. She is a non citizen.

He makes no proof of marriage. It will be necessary for him to file with this Commission satisfactory proof of his marriage, or a certified copy of the records from the State of Texas. The testimony shows that his father did not return to the Cherokee Nation until about twenty years ago, and that he brought with him the applicant, his child, at that time. The testimony show that the said Andrew was born in the Choctaw Nation during the war, the applicant's father, Burrell, at that time having been taken out of the Cherokee Nation. Because of the fact that the applicant was a minor, born after his father and mother were taken out of the Cherokee Nation, and before they lost their rights as a Cherokee Freedmen, and the weight of the testimony showing that he was a minor when he returned, the applicant, Andrew Daniels, and his children as enumerated herein, will be listed upon a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises. The only doubtful question in the mind of the Commission is as to the rights that the said Andrew Daniels has by reason of his being a minor at the time that he was taken from the Indian Territory, and a minor when he returned, the evidence showing that his father and mother were slaves in the Cherokee Nation before the Civil war.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 25, 1901.

In the matter of the application of Andrew Daniels for the enrollment of himself and nine children as Cherokee Freedmen.

Appearances:
Pellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Andrew Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andrew Daniels.
Q How old are you? A I don't know, about 37 I guess.
Q What is your post office address? A Ramona.
Q Indian Territory? A Yes, sir.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and nine children.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Dora Daniels.
Q Is she a citizen? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes,sir
Q Is it on the roll of 1880? A I think it is, yes sir.
Q What is your father's name? A Burrell Daniels.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Miranda Daniels.
Q Is she living? A Yes, sir.
Q Have you got nine children under age and not married? A Yes,sir.
Q Give me the name of your oldest child? A Willie.
Q How old is he? A I guess he is about 18.
Q The next one? A Lewis.
Q How old is Lewis? A I just can't tell you exactly, there is about 2 years difference in between them.
Q Then Lewis must be 17? A Yes, sir.
Q The name of the next one? A Susie.
Q Susie then would be 16, would she? A No, sir, there was one between Lewis and Willie, and she is dead.
Q That would make Lewis then 16? A Yes, sir.
Q Then Susie would be 15, if she comes next to Lewis? A Yes, sir, but that is a little too old for her I think.
Q How old is she? A I think she is about 13 or 14.
Q Well, what is the name of the next one? A Thomas.
Q How old is Thomas? A He must be about ten I guess.
Q The next one? A Burley.
Q How old is he? A He must be, I don't know exactly just about how old, about 6 or 7 I think.
Q What is the name of the next one? A Essie thought is older than Burley.
Q How old is she? A She must be about eight or nine, and then Burley comes in next.
Q Who is after Burley? A Minnie.
Q How old is Minnie? A She must be about 5 I guess.
Q Well, the next one? A Miranda.
Q How old is Miranda? A She is a little over 2 years old I think.
Q What is the next one? A Ruth.
Q How old is Ruth? A She isn't quite a year old yet. I am not on the 1880 roll, I am on the other two rolls.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Andrew Daniels on page 181, No. 4446, Goowesecoowee district;
Willie Daniels on page 181, No. 4447, Goowesecoowee district;
Lewis Daniels on page 181, No. 4448, Goowesecoowee district, as Louis Daniels;
Susie Daniels on page 181, No. 4450, Goowesecoowee district;
Thomas Daniels on page 181, No. 4449, Goowesecoowee district, as Tom Daniels;
Nancie Daniels on page 181, No. 4451, Goowesecoowee district;
Burley Daniels not on Kern-Clifton roll.
Minnie Daniels on page 181, No. 4452, Goowesecoowee district.

Q What is the matter with Burley? Burley is older than Minnie?
A I don't think he is on the roll though.
Q Why not? A He didn't get in there, they didn't enroll him.
Q Have you got any witnesses here? A My daddy.
Q Has your daddy been enrolled? A Yes, sir.

Burrell Daniels, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A My name is Burrell Daniels.
Q How old are you? A I expect I am nearly 70.
Q Where do you live? A Out west of Talala on Caney River.
Q How long have you been living in the Cherokee Nation? A I have lived in the Cherokee Nation all my life time until I went to Mexico; I have been back, though, ever since Mr. Bushyhead was chief.
Q Ever since Mr. Bushyhead was chief? A Yes, sir.
Q Do you know this applicant here, Andy Daniels, here first on the stand? A He is my son.
Q How old is he? A I don't know exactly, he was born just about a year before the war ended.
Q Where was he born? A He was born down here close to Rocksville in the Choctaw Nation.
Q Were you a slave then? A Yes, sir.
Q Who did you belong to? A I belonged to Robert Daniel, first belonged to Miss Susie Taylor, living in Tahlequah, and she gave me to her daughter.
Q Who was her daughter? A Annie Daniels, died in Vinita here time of the Lightening Creek payment.
Q Who was your owner at the time the war commenced? A She was my owner; when the war commenced why she had me with one of her sisters that lives in Tahlequah now, Mrs. Thompson, exchanged me for a boy named Will, I belonged to Mrs. Thompson a while after thewar commenced.
Q Well Burrell, about what time, about how long had you been in the Choctaw Nation when this boy Andrew was born? A Well, we had been down there I reckon not quite a year, but I was with the army, backwards and forwards, in the Nation here and there out.
Q He was born in the Choctaw Nation a year after you left the Cherokee Nation? A Yes, sir.
Q Who took you out of the Cherokee Nation? A They put us with Mr. Bryant's outfit.
Q How many children did you have at the time you were in the Choctaw Nation at the time you were in the Choctaw Nation when this boy Andrew was born? A I had Lewis, Abram, Sarah and Tom.
Q Have a wife there then? A Yes, sir.
Q What was her name? A Miranda Daniels.
Q Was she a slave too? A She was the slave of Luke Daniels.
Q Was he a Cherokee citizen? A Yes, sir, my old boss' brother.
Q Was Neal Bryant a Cherokee? A He was a white man but he had

a Cherokee wife.

Q Well now, from the Choctaw Nation, how did you get into Mexico?

A Mr. Bryant carried a number of us out there, a drove of us.

Q How ~~thinks~~ big a drove did he have? A I reckon he had, must have had about forty or fifty of us, little and big.

Q Was this boy taken down to Mexico at the time you were? A Yes, sir

Q What other members of your family, if any, were taken down there?

A Taken my oldest son Lewis, and a boy named Abram, a girl, out of the Choctaw Nation, named Sarah, taken Lewis and Abram and this boy was a baby.

Q Well, how long did you stay in Mexico? A I must have stayed there, I was working on a Mexican Ranch about five or six years till they rolleted me down there, I stayed on the ranch yonder about five years, and come a merchant from Santa Fe named Mr. Amberg.

Q You were peoned down there in Mexico were you? A Yes, sir.

Q How old was this boy Andrew when you returned to the Cherokee Nation? A I reckon if he was about five or six years when I returned back to San Antonio, six or seven.

Q Then how long did it take you to make your way back to the Cherokee Nation after you came to San Antonio? A I was several years on my ~~wife~~ way, I worked a year or two in San Antonio and then I came up to Fayette County and stayed there.

Q Do you know what year it was when you came back to the Cherokee Nation? A No sir, I guess I could find out at Tahlequah when I come back: when I come back Council was up there and I worked on Arkansas River till Council commenced again.

Q That was when Mr. Bushyhead was Chief? A Yes, sir, and when Council commnced again I went and reported at the General Council

Q About how old then was this boy when you came back to the Cherokee Nation at the time Bushyhead was chief? A I don't know, I can't tell you exactly how old he was, he was a young man I reckon when he came back here.

Q Well, can you tell us about how many years since you came back to the Cherokee Nation, can you count back that way and tell? A It must have been something over twenty years ago.

Q And you say the boy was born after the war commenced? A No, sir, he was born just before the war ended.

Q You took him down to the Choctaw Nation? A Yes, sir.

Q He was born down there before the war ended? A Yes, sir, just a year before it ended.

Q And you came back and the boy came back about twenty years ago?

A Yes, sir, I think it must have been twenty years ago, I can find out by going to Tahlequah.

Q What other children did you bring back with you twenty years ago, or whatever time it was? A I brought Robert and Lizzie and one named Mack.

Q What is Lizzie's name now? A She is married, she is named Lizzie Haines, and one of my daughters died before I got back, and left two grandchildren, and they went by the name of Mary Eaton and Lizzie Eaton, but one goes by the name of Mary Hill and Lizzie Shafer.

Q They were your children, members of your family, when you brought them back here at the same time you brought Andy? A Yes, sir, when I brought them little children back here they were just little kids, they have growed up here since they came back.

Q Which ones do you mean by those little children? A These here girls that are married now.

Mr. Mantinger: Where was Andy married? A He was married just down here the other side of Sampson, near Wimer, Texas.

Q His wife was state raised? A Yes, sir.

Q Where was his first child born? A Born here in the Nation.

Q Willie? A Yes, sir.

Q Willie was born in the Nation? A Yes, sir, born down here on

the Arkansas River at Mrs. Rivens.

Q Had Mr. Bushyhead been re-elected then, been elected the second time as chief, when you came? A I think he was, I think he was I will not be certain.

Q About how long did youstay in Mexico, about how many years?

A I must have stayed in Mexico about six or seven, I worked on a ranch about five or six years.

Q Then after leaving Mexico you came back to Texas? A After leaving Mexico, the Government fetched me back to Texas.

Q You remained in Texas from that time until you came up here?

A Yes, sir, just one place and another on the way as I was coming.

Q But you remained in Texas the rest of your time? A Until I came up here; I traveled as far as I could.

Q That was between six and seven or eight or nine years you remained in Texas after leaving Mexico, before you reached the Territory, after the war? A Yes, sir, I stayed in Texas in places, I traveled around and then stopped maybe a year or two.

Commissioner: How old was Andy when you brought him back here?

A Andy was I reckon about 14 or 16 years old, he married when he was nothing but a boy.

Q When you brought him back to the Cherokee Nation? A Yes, sir, he married in Texas and he was nothing but a boy.

Q He must have been over 14 years old? A The people down there were talking about having him took up for that marriage, he was nothing but a boy.

Q Married his present wife? A Yes, sir.

Q How long did he stay in Texas after he married? A He married along in the summer or spring and he came here in the fall.

Q Been here ever since? A Yes, sir.

Q You think he wasn't over 16 or 18 years old? A I don't know as he was 18 years old, he was a boy because I know they were trying to get the one that married him took up for marrying him.

Q How old is he now? A I don't know sir exactly how old he is; his age is on them rolls.

Q Who was Andrew's mother? A My wife, what used to belong to the same set of people I belonged to.

Q Did she come back with you? A Yes, sir, she is at home now.

Q You and her come back together? A Yes, sir.

Q Andrew's mother was a slave? A Yes, sir, slave of Zeke Daniels.

Q Was she with you all the time you were emigrating around through Texas and Mexico? A Yes, sir, she was theslave of Zeke Daniels and before the war ended she got to be the slave of Mrs. Thompson, at Tahlequah now.

Q Andrew is your oldest child? A No, sir, I have one named Tom.

Q Older than Andrew? A Yes, sir.

Q Where was Tom born? A Tom was born here in the Cherokee Nation on Grand River east of Vinita, before the war.

Q Is he living? A Yes, sir, he is here in the Nation.

Mr. Smith: Did I ask you, Burrell, when you testified in your own case about why you didn't come back to the Cherokee Nation sooner after they left you at San Antonio? A Yes, sir.

Andrew Daniels, recalled, testified:

Commissioner: Are all the children for whom you apply living at this time? A Yes, sir.

Q Were all of them born in the Cherokee Nation? A No, not all of them.

Q Where was Willie born? A He was born in the Cherokee Nation.

Q Where was Lewis born? A I think I was working over in the Creek Nation then.

Q Did you live in the Creek Nation? A A while I did.
Q I thought you said you had lived in the Cherokee Nation continuously all the time? A Well, I have been.
Q Well you couldn't have been living in the Cherokee Nation and the Creek Nation at the same time? A A good while ago I used to live there.
Q How long did you live in the Creek Nation? A Several years, working around there.
Q Where was Susie born? A She was born in the Creek Nation.
Q Where was Thomas born? A I think he was born in Canadian if I am not mistaken, Cherokee Nation.
Q Canadian district? A Yes, sir.
Q Where was Burley born? A I disremember now exactly where he was born.
Q In the Cherokee Nation or the Creek Nation? A I think I was living in the Creek Nation at that time.
Q Where was Essie born? A She was born in the Cherokee Nation; I disremember, I am not sure of it though.
Q Minnie, your five year old child? A Canadian I think.
Q Where was Miranda? A Born here on Caney.
Q In the Cherokee Nation? A Yes, sir.
Q And Ruth? A Yes, sir.
Q Well you appear to have lived in the Creek Nation a good deal.
A A while when I first came to the country.
Q What part of the country? A Right on the line about Muskogee, I worked through there.
Q Worked over about Muskogee? A Yes, sir.
Q These children, that is where they were born, over about Muskogee? A Some of them were.
Q Where were the others that were born in the Creek Nation born?
A There along on the line of the Cherokee Nation and the Creek.
Q Kinder along backwards and forwards? A Yes, sir, worked around in there a while.
Q They are all the children of Dora, your wife? A Yes, sir.
Q What proof have you got of your marriage to Dora? A I haven't got any unless I send off after it.
Q Married in the State of Texas? A Yes, sir.
Q Get a license there? A Yes, sir, at LaGrange County.
Commissioner: Well, you will have to send a certified copy of your license from the record there.
Mr. Hastings: How long did you live there after you married?
A I married along in the spring and came out that fall.
Q You know what fall you got here? A No, sir, not exactly.
Q What is your best judgment about when you got here.
A I never paid the strictest attention to it, I can't tell you just what fall it was.
Q You made a crop there after you married, came back in the fall after that? A Yes, sir.
Commissioner: You know how old you were when you came? A No, sir, I don't.
Q Did you ever vote in the State of Texas? A No, sir.
Q Ever vote in the Cherokee Nation? A Yes, sir.
Q How long after you came back before you ever voted in the Cherokee Nation? A It wasn't very long, I voted several times in Canadian and I voted once or twice up here.

Commissioner: Andrew Daniels applies for the enrollment of himself and nine children, as enumerated in the testimony. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children, with the exception of Burley and Miranda and Ruth, are identified upon the Kern-Clifton pay-roll. He avers that he is the son of

Andrew Daniels - 5.

Burrell Daniels, who is listed for enrollment upon rejected card No. R-40, and the testimony taken in the case of the said Burrell Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith. He makes satisfactory proof as to his residence, and avers that he was married to his wife Dora in the State of Texas. She is a Non citizen.

He makes no proof of marriage. It will be necessary for him to file with this Commission satisfactory proof of his marriage, or a certified copy of the records from the State of Texas. The testimony shows that his father did not return to the Cherokee Nation until about twenty years ago, and that he brought with him the applicant, his child, at that time. The testimony shows that the said Andrew was born in the Choctaw Nation during the war, the applicant's father, Burrell, at that time having been taken out of the Cherokee Nation. Because of the fact that the applicant was a minor, born after his father and mother were taken out of the Cherokee Nation, and before they lost their rights as a Cherokee Freedmen, and the weight of the testimony showing that he was a minor when he returned, the applicant, Andrew Daniels, and his children as enumerated herein, will be listed upon a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises. The only doubtful question in the mind of the Commission is as to the rights that the said Andrew Daniels has by reason of his being a minor at the time that he was taken from the Indian Territory, and a minor when he returned, the evidence showing that his father and mother were slaves in the Cherokee Nation before the Civil war.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of July, 1901.

Commissioner.

anything, just told me he had to go with him and said we would come back when everything got quiet.

Q I understand Andrew was born in the Cherokee Nation? A No, sir, he was born in the Choctaw Nation.

Q After this man took you down there? A Yes, sir.

Q And took your wife there? A Yes, sir.

Mr. Smith: At the time Andrew was born and the time you speak of being in the Choctaw Nation and going over into Texas to put wheat, the war wasn't ended then was it? A No, sir, it wasn't ended then.

Q That was while the war was going on? A Yes, sir: when the war ended why he moved us from Mr. Sampson Pulson's to a place below Boakville, between Boakville and old Mr. Jones' farm.

Commissioner: You stayed at Sampson Pulson's until the war ended? A Yes, sir.

Q He took you there before the war ended? A Yes, sir.

Q He had the families all there, and there is where Andrew was born? A Yes, sir.

Q Then Andrew was taken on down into Texas? A Yes, carried down into Texas, went down to Waco, from Waco to Austin, and met some people and they said the Yankee army was in Austin, and he took us over the prairies the plains.

Q And there Andrew stayed until he was married? A Yes, sir; he took us to Mexico.

Q Took Andrew to Mexico? A Yes, sir, and he married the same year I was working our way back.

Q He married in Texas? A Yes, sir.

Q And after he married he came back to the Nation? A Yes, sir.

Mr. Hastings: You stayed six or seven years in Mexico? A Yes, sir.

Q That was six years or seven years after the war? A Yes, sir

Q Then you came back here you say after Mr. Bushyhead was elected

Supplemental, Cherokee Freedman D-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 26, 1902.

In the matter of the application of Andrew Daniels et al. for enrollment as Cherokee Freedman.

Supplemental testimony;

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Durrell Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Durrell Daniels.
Q Are you the father of Andrew Daniels, who applied yesterday to be listed for enrollment? A Yes, sir.
Q You were a slave, were you? A Yes, sir.
Q Who did you belong to? A I belonged to Bob Daniels.
Q Were you taken out of the Cherokee Nation during the war? A I was taken out after the war ended.
Q Who by? A By Joel Bryant.
Q What right had he to take you; was he your owner? A When the war was coming on we were put with him to keep out of the way of the northern people and he carried us down here in the Choctaw Nation near Doaksville, with all the families.
Q Whose family? A All the families, their families and colored families; and when the war ended, before he turned the darkies loose he took a drove of them and went to Mexico.
Q Took you among them? A Yes, sir.
Q Where from? A South from the Choctaw Nation.
Q Your family was in the Choctaw Nation at that time, were you?
A Yes, sir.
Q Was there where Andrew was born? A Andrew was born in the Choctaw Nation near Simpson Folsom's.
Q That near Doaksville? A Yes, sir.
Q Did he take Andrew? A Yes, sir, he was just a baby.
Q Take your wife? A Yes, sir, all the whole family.
Q How old was Andrew then? A Andrew I think was something over a year old, pretty near a year old; they made a crop there and stayed there all one winter and one summer.
Q How did your wife and Andrew happen to be in the Choctaw Nation?
A My wife and Andrew, he had the whole family, my family and half a dozen others.
Q How did he happen to be there? A He took us down there.
Q Who? A Mr. Bryant.
Q Took you from the Cherokee Nation into the Choctaw Nation?
A Yes, sir, first to Fort Smith and from Fort Smith to Van Buren and then to the Choctaw Nation.
Q There is where Andrew was born? A He stayed there one winter and made a crop that fall, made a crop, and along in coming December I suppose he moved us all over to Texas.
Q Was that after the war? A Yes, sir, everybody was going home, peace was declared.
Q Didn't you know you were free then? A Yes, sir, he had his batallion outfit with him.
Q Was he a soldier? A He had the soldiers with him.
Q Was Bryant a Confederate or a federal? A He was a Confederate.
Q Was he an officer? A He was a colonel.
Q And he took you along when he took his soldiers back; when he took his soldiers he took you folks? A Yes, sir.
Q Did you try to get away from him? A No, sir, he didn't ask us

anything, just told us we had to go with him and said we would come back when everything got quiet.

Q I understand Andrew was born in the Cherokee Nation? A No, sir, he was born in the Choctaw Nation.

Q After this man took you down there? A Yes, sir.

Q And took your wife there? A Yes, sir.

Mr. Smith: At the time Andrew was born and the time you speak of being in the Choctaw Nation and going over into Texas to out wheat, the war wasn't ended then was it? A No, sir, it wasn't ended then.

Q That was while the war was going on? A Yes, sir; when the war ended why he moved us from Mr. Sampson Folsom's to a place below Doakville, between Doakville and old Mr. Jones' farm.

Commissioner: You stayed at Sampson Folsom's until the war ended? A Yes, sir.

Q He took you there before the war ended? A Yes, sir.

Q He had the families all there, and there is where Andrew was born? A Yes, sir.

Q Then Andrew was taken on down into Texas? A Yes, carried down into Texas, went down to Waco, from Waco to Austin, and met some people and they said the Yankee army was in Austin, and he took us then across the plains.

Q And there Andrew stayed until he was married? A Yes, sir; he took us to Mexico.

Q Took Andrew to Mexico? A Yes, sir, and he married the same year I was working our way back.

Q He married in Texas? A Yes, sir.

Q And after he married he came back to the Nation? A Yes, sir.

Mr. Hastings: You stayed six or seven years in Mexico? A Yes, sir.

Q That was six years or seven years after the war? A Yes, sir

Q Then you came back here you saw after Mr Bushyhead was elected chief the second time; that was after '83? A I came back from Mexico to San Antonio and worked there a while and I moved from there and came to Fayette County and worked there a while.

Mr. Hastings: Mr. Smith, can we agree that Mr. Bushyead was elected chief the second time beginning the first Monday in November, 1883; that is a historical fact?

Mr. Smith: Yes, I will agree to that.

Mr. Hastings: You lived five or six years in Mexico? A Yes, sir.

Q And the rest of the time youwere working your wayback here? A Yes, sir.

Commissioner: What did you stay so long in Mexico for? A He taken us to Mexico and peened us.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of July, 1901.

Commissioner.

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[illegible] to the five civilized tribes.

[illegible], I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Chickasaw [illegible] on behalf of applicant:

Supplemental testimony [illegible]

Appearances:

Mellette [illegible], attorneys for applicants.

[illegible], attorney for Chickasaw Nation.

[illegible] NUTTER, being first duly sworn before the commission and being [illegible] examined testified as follows:

[illegible] Your name? A. Burrell Daniels.

Q. Are you a Chickasaw Indian by blood, a recognized citizen of the Chickasaw Nation? A. Yes, sir.

Q. Do you know the applicant, Burrell Daniels? A. Yes, sir.

Q. How long have you known him? A. I have known him for about 25 years, or so.

Q. Did you [illegible] second year after Brayhead was inaugurated.

Q. Did you [illegible] first [illegible]: The second time? A. Yes, second time of his [illegible]

Q. I want to [illegible] year would be 1888 [illegible] Burrell Daniels first [illegible]

Mr. Mellette: Where did Tomasa Hurgis [illegible] him in 1884, in November, on

Q. About what year was [illegible] that time? A. [illegible] during the Council.

Q. What was [illegible] that time? A. [illegible] resident [illegible] to organize, for [illegible]

Q. Do you know [illegible] out, had the member from [illegible]

R-R- C.F. D-861, Andrew Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee freedmen:

Supplemental testimony on behalf of applicant;

Appearances:

Melhette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE O. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A George O. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 25 years, or 20; well 23 years I guess, since 1882, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1883, and the next year would be 1884. A Well 1884 then.

Mr. Mellette: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1884, in November, during the Council.

Q What was he doing there at that time? A He came there to be readmitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for readmission? A Yes, sir, I wrote it out, had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record; I am going to object to further examination along that line.

Commission: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Melhette will insist on going on.

Mr. Mellette: I think the fact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commission: This testimony will be filed in the following cases: R-40, D-861, D-916, D-917, and D-941.

---o---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of September, 1901.

M. L. Green
Notary Public.

Commission to the Five Civilized Tribes, do hereby swear that the above and foregoing is a true and correct copy of the original transcript.

Frances S. Bitefish

Subscribed and sworn to before me this 8th day of August, 1902.

Bruce B. Cowen

Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 8 1902
CLERK

XXVII

To be filed with F-D-861-Andrew Daniels, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:
Mellette, Smith & Cravens, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purportes to be a true and correct copy of so much of the Wallace roll made by J. W. Wallace as shows the enrollment of Andrew Daniels and family as Cherokee Freedmen and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as shows the enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, R-40 the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony ~~and~~proceedings in the above case, and that the same is a true and complete transcript of his stenographic ~~notes~~ notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June, 1902.

(Signed) P. G. Reuter.
Notary Public.

(SEAL)

I, the undersigned, being duly sworn, as stenographer to the Commission to the Five Civilized Tribes, do hereby swear that the above and foregoing is a true and correct copy of the original transcript.

Frank S. Butfield

Subscribed and sworn to before me this 6th day of August, 1902.

Chas. E. Carter
Notary Public.

Commission expires March 9, 1903.

Filed Aug 7 1902

Dated D 880

[illegible] of the Interior,
Commission to the Civilized Tribes,
[illegible], I. T., [illegible] 31, 1902.

In the matter of the application of [illegible] for enrollment as a Cherokee Freedman.

Applicant appears by [illegible] Cherokee Nation, by W. W. [illegible].

By Mr. Smith:

The applicant [illegible] certified copy of the decree of the Court of Claims in the case of [illegible] Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17[illegible], filed in the Mariah Hayden case 2 D. 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Andy Daniels, D 861,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, nor that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any or the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter

Notary Public.

FILED
JUN 26 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT DIVISION.
MUSKOGEE, I. T., JUNE 8, 1905.

Cherokee Freedman R-40 et al.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee freedmen, consolidating the applications of

Burrell Daniels et al----------C. F "- 40
Andrew Daniels et al.----------C F D-861--R-395.
Lizzie Shaffer et al.----------C F D-916--R-396.
Mary Hill et al.----------C F D-917--R-394.
Lizzie Haynes et al.----------C F D-941--R-393.
Mack Daniels et a.----------C F D-1089-R-392.
Thomas Daniels et al.----------C F D-1100-R-391.
Burrell H. Daniels et al.----------C F D-1101-R-390.

APPEARANCES:
For the applicants, Blue & Bulger.
For the Cherokee Nation: W. W. Hastings and J.S.Davenport.

It appears from the redords of the Commission that on January 18, 1904, the Commission rendered its decision in the matter of the above applications denying the applications. That on January 19, 1904, the record in the matter of these applications was forwarded to the Department and the action of the Commission was approved by the Secretary of the Interior on June 24, 1904. It further appears that on May 13, 1905, the decision of the Department affirming the decision of the Commission was remanded and the record and the papers returned with a request that a rehearing be had in the matter. Now on this day pursuant to notice the applicants herein appear both in person and by their attorneys, Blue & Bulger of Vinita, I. T., the Cherokee Nation represented by W. W. Hastings, one of the attorneys of the Nation.

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The following testimony was introduced on behalf of the Cherokee Nation.

R. W. LINDSAY, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A R. W. Lindsay.
Q What is your post office? A Choteau, Indian Territory.
By MR. HASTINGS:
Q What is your age? A 73.
Q What is your postoffice? A. Choteau.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q Were you married when the war came up? A. Yes sir.

Q To whom were you married? A Mariah Bryant.
Q Who was her father? A Joel M. Bryant.
Q Was he commonly known as Colonel Bryant? A Yes sir.
Q Did you know the applicant, Burrell Daniels, before or during the war? A I knew him during the war.
Q I mean the applicant here? A Yes sir, I knew him as good as anybody.
Q Where did you first know him? A Well I have seen him the first to know him was at out six miles east of Van Buren inArkansas.
Q When was that? A About October, 1862.
Q In whose family was he at that time? A. Col Bryant, his property at that time.
Q Did he own him at that time? A Yes sir.
Q Did Burrell Daniels have a wife then? A Yes sir.
Q Do you remember what her name was? A Yes sir, Miranda.
Q Did they have some children? A Yes sir.
Q Do you remember how many? A Lets see, I can recollect the names of Lewis, Nancy, and Abe, there were about five to the best of my knowledge, but they have all died except one or two.
Q To whom did Miranda and the members of the Burrell's family belong? A Col. J. M. Bryant.
Q That was in October, 1862? A Yes sir.
Q Where did Col. Bryant's family go during the war? A They went from that place for a little while close to Dansville, Ark. for a few months, and then went south to Red River ten miles east of Doaksville, Choctaw Nation, one year, and then removed from there to a point 17 miles southwest of Doaksville in the Choctaw Nation.
Q Where were they at the close of the war? A They were at this place 17 miles southwest of Doaksville in the Choctaw Nation.
Q Did they subsequently remove to Texas? A Yes sir.
Q Just go ahead and make a statement? A I was in the army and was travelling under the orders from Shreeveport to report to General Cooper, commanding the division of the Indian Territory, C. S. A. and when I got to Paris I heard from a party there that Col. Bryant's family had removed across the Red River, and I went there and met them there and Burrell Daniels was there with them.
Q When was that? A In the early part of May, ~~1862~~ 1865.
Q Where did Col. Bryant and where did you go from there? A I don't recollect the distance but it must be 40 or 50 miles up Red River to Warren where Col. Bryant joined us there.
Q Where did you go from Warren Texas? A We statrted from there and went to Chihuahua, Mexico.
Q Was Burrell~~XX~~ Danile with Col. Bryant's family at Warren, Texas?
A Yes sir.
Q Now tell of the circumstances of Col. Bryant's going to Mexico and of his taking this family with him? A He went to Mexico and this family of Burrell's and another family of negroes, 5 or 6 in number, he taken them along with him, they all went together.
Q Did he force these people to go with him?

Mr. Blue: I don't think that is competent, I think that is a conclusion rather than a statement of facts. I think he ought to state the facts and not undertake to give conclusions.

A No sir, he didn't force them.

Q Now tell about it? A As I understand it was entirely amicable, I didn't hear of any objection at all, Burrell and his wife, Miranda were very confidential servants you may say, it was their matters and they went along freely as I expect he ever did anything in his life, as I understand they were to go with them to Mexico.
Q What was Col. Bryant intention of going to Mexico at that time?
A Well it was just after the war and things were so that he had to go some place, as a good many called it to get out of the way of the Yankees.
Q Were these parties compelled to go? A No sir, they stopped at a place I think 210 miles northeast of the Rio Grande, where we stopped and liberated the slaves and rested for several days, and Mr. Bryant made a contract with Burrell and I think maybe his wife, that when they got over into Mexico they were to work and pay the transportation, and I think maybe the amouny was fixed, I am not certain about that, and then when we got to the City of Chihuahua, and after awhile we moved down three miles east of Chihuahua, and we had been there a few weeks when Burrell taken up his family and skipped off into the City from the camps where we camped at, and Mr. Bryant come there and found him in the city, and he brought suit against him before the the court there, and he got judgment, I don't recollect the amount of the judgment though.
Q What did he bring suit for? A On account of the contract for services, he brought suit there for the money or for the services he agreed to pay him.
Q For what money? A For transportation under this contract entered into at Fort Stocton. He got the judgment and of course that would compel the services or the money, I don't know what the amount of the money was, but Governor Terasso, Lewis Terasso paid the money and then, under the laws there, of course, Daniels became a subject to him for the amount of money to satisfy that judgment.
Q Then this contarct that was entered into was to pay for the transportation of Burrell Daniels and the members of his family from where they had previously started over into Mexico? A. Yes sir that was it.
Q And you say Bryant got judgment for some amount buty don't know the exact amount? A No sir not the exact amount.
Q Burrell Daniel's has testified the amount is $113.00, do you remember about that? A I don't recollect the amount, I have heard them speak about it.
Q You say that Lewis Terasso paid the judgment? A Yes sir, paid the judgment.
Q And that ended Burrell's connection with the family? A Yes sir
Q Was that in 1865? A Yes sir, that was '65, about September, 1865.
Q About how long did you stay after that? A About two years.
Q You and did Col. Bryant stay there two years after that? A Yes sir we came back together.
Q Did you ever see Burrell Daniels here after that time? A No sir not until 1888, I saw him in Tahlequah, I saw his oldest son frequently.
Q When did you say you saw him here? A. In 1888.
Q You don(t know just exactly when that was, when he returned?
A. No sir.

BY MR. BLUE:
Q You say you were a son-in-law of Col. Joel Bryant? A Yes sir

Q Was Bryant a Colonel in the Confederate Army? A. Yes sir.
Q Was he in command of a confederate force in 1865? A. Up until about may in 1865 I think everything want to pieces about that time.
Q Was he ordered to turn in? A I wasn't with him, I did what I was ordered to do and I met his family and mine and we went up above, I don't know anything about that. The equipage he had was perhaps his own, men those times furnished according to his own skillet.
Q Were you with Bryant in 1865? A No sir just met him at Warren, Texas.
Q In what year? A '65
Q And who was with him at that time? A When I first met him there were two young men, one by the name of Lem Smith and Joe Bennett.
Q I mean what companies he had? A No companies, those two men were the only ones. Afterwards two other parties came in that belonged to his commands. Those were all he had, no one but those two when he came down from Washita of his command, didn't have any command then, they had disbanded.
Q What was Bryant doing down in that part of the country zt that time? A He came from Washita to meet his family and fixed up to go to Mexico.
Q What was his object in going to Mexico? A. I said to get away from the Yankees.
Q Was it customary for the Yankees to make it unsafe for the ex-confederates? A I don't know, we didn't know at that time.
Q You were going away from the Yankees and there wasn't any there?
A That is my idea, I couldn't tell any other idea.
Q Thenyou went from there to the City of Chihuahua? A. Yes sir.
Q And was this Burrell Daniels and his family the only colored prople with you? A. No sir, there was another family about 5 or 6 I think.
Q Were they trying to get away from the Yankees too? A I couldnt tell what their motives were. They were old family slaves exeept two.
Q They were slaves of Joel Bryant then? A Yes sir, and you dont know or anybody else how close old slaves would be to us during those days.
Q You say Burrell Daniels was with Joel Bryant in 1862 in Arkansas? A Yes sir, that was when I first met them, in August, 1862, I think Joel Bryant bought him from Thompson out here just a little ways east of here, I only heard of them speaking of the transaction.
Q You don't know it? A No sir, only heard it but I know they were up that way.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir.
Q Do you know from whom Johnson had bought Burrells? A From Robert Daniels.
Q What part of the Territory did Johnson live in in 1862? A Johnson lived on his place, it was about ten miles little southeast of where Vinita is now, and Robert Daniels lived on the Texas road just north of him.
Q Where did Johnson Thompson go then? A He had gone to the Choctaw Nation; I could see him around and I think he was a Commissary perhaps in the first Cherokee regiment. I frequently saw him on the trail sometimes we had a good night sleeps and sometimes we would be running.

Q Was that first Cherokee Regiment a Confederate force? A Yes sir that was the one, there was a first Cherokee regiment and there was a second Cherokee regiment.
Q What was the number of Col. Bryant's regiment? A I don't recollect, I wasn't with his regiment, I was with a different command all together, that has been a long time ago and I have forgotten it.
Q Did Johnson Thompson at this time have any other slaves except Burrell Daniels? A Yes sir considerable.
Q Did he move those with him? A I don't know they were with the family, his family went to Red River, I expect they went there in 1862.
Q About the same time that Daniels went ot the Choctaw Nation? A About the same time he moved down he was moving when they made the deal out here at a little spring close to Frozen Lake.
Q Do you know why they went to the Choctaw Nation? A Yes sir.
Q Why? A The Yankees were in it again.
Q Do you know that Burrell Daniels was sold by Johnson Thompson to Col. Bryant? A Well I know just only from heresay, the old man Bryant said he had bought him from Thompson, and I think Thompson had brough him from Daniels.
Q Was it not customary in those times for a slave owner to put his slaves with some army officer for protection? A Not then, no sir, not until things--- we held the ground, it was all our way then.
Q EWhat time of the year was that? A That was during the summer of 1862. I said it was about August when they made this trade.
Q In the latter part of August you made this trade, didnT the northern forces come down here and wasn't John Ross and family north with them? A They had previously to that time, but they got away rapidly, we were master of all we surveyed then, but I say we didn't hold it long.
Q If you were monarch of all your surveys here why did you go sou south? A We took a good stand, and made a good run.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Are you enrolled as such? A Yes sir.
Q How long have you lived in the Cherokee Nation? A You count from the 2nd day of November 1859 up to this day.
Q From what place did you come to the Cherokee Nation? A Frem Kansas City, Missouri.
Q Are you a Cherokee by blood? A No sir, by marriage
Q Then you were here or hereabouts all the time of the war until in 1865 when you started to old Mexico? A Yes sir.
Q And you were with General Cooper, if I understand you? A Yes sir.
Q What regiment? A Second Cherokee regiment two years, and I was with the artillery the last of the war.
Q When Col. Bryant started from this place was it his intention of going to old Mexico? A Yes sir that was it.
Q How many people were they with Col. Bryant at the time he started to Mexico? A Besides his own family, I don't think there was over, at that time, ten more men. There were several more than members of his family, I would say a dozen at the outside.
Q Did he have some young boys? A He had only one son.
Q Was there any others? A One boy started with him and then way down about Waco another boy come in.
Q How did you travel from going from this place in Texas to Mexico? A We travelled in wagons.

Q Some on horse back I suppose? A. Some on horse back, a few.
Q How did you subsist in going through that country? A We had beef cattle, some milk cows they had that the family was using I think and traded for.
Q About what sized herd? A Not very large buthI would say 30 or 40 head perhaps, it wasn't a big herd, small
Q And you took them along to subsist on? A Yes sir.
Q Was that stock of the family or was it property of a party for all? A No sir they were Bryant's property, he footed the bill.
Q While in travelling from Warfen, Texas, did you go by an old travelled route ot otherwise? A We travelled the usual travelled route.
Q Did you find any Yankees in the way out there? A Not a single Yankee.
Q From Waco did you take the usually travelled route? A Yes sir, until we got to San Babán, and then it was the other route, we went to Belton, and we passed Yeupusa and Sansaba, and then we took a little by way to Fort Stocton.
Q After you heard that the Yankees were in that vicinity you didn't travel the route usually used? A No sir the Yankees were not in that vicinity, they were down to Houston.
Q Now this old Fort Stockton, how near was that from the divide? A It was 210 miles to the best of my recollection.
Q Your recollection is it was 210 miles from Fort Stocton? A Yes sir that is my best recollection.
Q That was the last stopping place so to speak until you got down to Presidio? A It was 122 miles to Presidio.
Q What I wish to know, from the time you left Fort Stockton until you got down in the vicinity of Presidio did you fine any ather stopping place? A No sir that was the first stopping place.
Q Was that a settled country? A No settlement at all.
Q Was it an arid place during those days? A Yes sir.
Q You came through to this Cotton Wood Spring and there you stopped for a time? A Yes sir.
Q About how long before you went on? A Perhaps it was six days.
Q Then you crossed into old Mexico? A Yes sir.
Q After you got into old Mexico you remained there how long?
A Two years.
Q Now isn't it a fact that Col. Bryant took judgment against other colored people that was with him? A No sir only Burrell and his family.
Q Do you know anything about how Burrell Daniels got out of Mexico? A No sir didn't see him any more after he left the camps there.
Q You spoke of seeing his oldest son? A Yes sir.
Q That was really a peonage son too? A Yes sir.
Q As a matter of fact there was no such thing as slavery there as it was in the United States? A No sir it was a contract you see.
Q Simply sell into bondage until the debt was extinguished? A Yes sir that was of it, if necessary I can briefly ~~XX~~ state it, that if you make a contract with a man he could work it out. You know what peon mean, it means just servitude of labor it w as under a contract for a debt.
Q As I understand it under that contract they were sold into slavery until the debt was extinguished, if it wasn't paid. A No sir, I beg your pardon, you could compel him to make that servitude or get the money and pay you.

Q Now at the time you got there into Mexico, as you have stated, what government was in power then, the Mexican Government or the Government of Maximillian? A Maximillian.
Q During the time you remained there what government was in power? A Most all the time Maximillian, about the time we left there the Maximillian government was overthrown, just a little while before we left.
Q Was the government changed back to the Mexican control before you left? A Yes sir.
Q Did either you or Col. Bryant while you were there in old Mexico participate in the government in any way? A No sir.
Q You and he were there simply as citizens and trying to live there? A Yes sir.
Q Did Col. Bryant return back to the United States after that? A Yes sir.
Q And you did also? A Yes sir.
Q Have you ever held and official position in the Cherokee Nation? A I have been a member of the National Senate in the Cherokee Nation.
Q Have you held any other official position? A No sir.
Q Have you been a member of the National Senate of the Cherokee Nation more than once? A Only once.
Q When was that? A It was in 1887 and '88.
Q Now I will ask you do you remember when Bushyhead was elected Chief? A The first time was '79 and the second time in '83.
Q Then he was Chief of the first election how long? A 4 years.
Q Reaching from what time? A '79 to '83.
Q How long was he chief the second time? A. 4 years.
Q Do you remember when he was inducted in office in 1883? A It was supposed to be about the first Mondqy in November, '83.
Q Then the term of that office would run 4 years? A Yes sir.
Q Was he chief of the Cherokee Nation any other terms than those two? A No sir, that was all.

BY MR. HASTINGS:
Q You and Col. Bryant then went to Mexico in 1865 with the intention of living there at that time? A Yes sir, that was the intention.
Q And you started from near Warren, Texas? A Yes sir.
Q Was Mr. Baugh, his other son-in-law with you? A Yes sir.
Q That is the other witness out here? A Yes sir.
Q And you say Burrell Daniels and his family went with you voluntarily? A Yes sir.
Q Was he compelled to go by Col. Bryant? A No sir.
Q Another family of slaves went with you at the same time? A Yes sir.
Q Were they compelled to go with you? A No sir, and he proposed to bring them back at the same time. They stayed with him the length of time working for themselves, and when he came back he told them he would bring them back with him.
Q They had a signed contract with him to pay for their transportation did they? A Yes sir.
Q After they got over to Chihuahua Burrell refused to comply with the terms of the contract? A Yes sir, that was about it, he left Mr. Bryant's ~~xxxxxxxxxxx~~ services.
Q Left owing for this transportation? A Yes sir.
Q And as I understand you Mr. Bryant, in the proper courts down there, brought suit for this transportation? A Yes sir.
Q And he got judgment? A Yes sir.
Q And this Governor of Chihuahua, Lewis Terasso, paid off the judgemnt under Mexican law? A Yes sir.

Q And Col. Bryant had no more to do with it? A No sir.
Q What ever was done by Col. Bryant was done there in accordance with the Mexican law and the action of the courts? A Yes sir.
Q Col. Bryant never sold him into slavery or peonage, only got judgment against him? A That was it, under the law he could have held him until he got it.

BY MR. BLUE:
Q You started from this point in Texas you have stated as I recollect it, that it was in May, 1865, when you started to Mexico, what day in May? A. I couldn't recollect, I think it was in the early part of May, perhaps the middle.
Q Now as a matter of fact when you started these people were slaves of Col. Bryant? A Yes sir, they so considered.
Q Were they slaves when you went into Mexico? A, No sir, he had liberated them at Fort Stockton.
Q What was Burrell Daniels and his family doing during the time they were travelling, going through there? A Burrell was driving one of the teams, and his wife was cooking for Col. Bryant's family.
Q As a matter of fact Burrell and his wife were working for Col. Bryant? A Yes sir.
Q And did work for him up to Fort Stockton? when this contract was made? A Yes sir.
Q Now did Col. Bryant at that time pay Baniels and his wife anything for their services? A I would say not, my impression is that he didn't pay them anything.
Q This proceeding out there in Mexico by Col. Bryant by which this judgment was obtained, was it under the rule of Maximillian? A Yes sir.
Q Did you or Col. Bryant, either one become citizens of Mexico? A No sir.

Q Did Col. Bryant take out any papers there? A No sir.

BY MR. HASTINGS:
Q Were you there on July 19, 18x 1866? A Yes sir.
Q Was Col Bryant there? A Yes sir, I was there until '67.
Q What time did you leave there in 1867? A In the latter part of July, '67.
Q Did Col. Bryant also leave at that time? A Yes sir, we left together.
Q I believe you stated that Col Bryant didn't force either of these families to start with you from Warren to go to Mexico? A No sir he didn't.
MR. BLUE:
Q You also stated that Burrell Danils and his family were slaves at that time? A Yes sir.
BY THE COMMISSION:
Q Is Col. Bryant dead? A Yes sir.
Q When did he die? A About 1899 or 1900, I couldn't state which
Q Only about 5 years ago? A Yes sir, just about 5 years ago.
Q Where did he die? A Up there at Choteau.
Q How far is Stockton from Tahlequah? A It is a long ways.
Q What is your best judgment? A I would say about 800 miles.
Q Up until you reached Fort Stocton Burrell Daniels and his family were slaves? A Yes sir.
Q How many of these slaves that were liberated at that time returned to the Cherokee Nation at once, all of the slaves you had with you, did you take them all to Mexico? A About all, yes sir, I don't believe but two of them came back when we did.

Q Is it a fact that the slaves that you had at Warren were all with you still at Fort Stockton and they were still with you when you went into Mexico? A Yes sir.
Q And they were with you in Mexico? A Yes sir.
Q The party wasn't broken up at all? A Not until we made a stop in Mexico.
Q Do you know how far Warren, Texas, is from Tahlequah? A It is a little more than 200 miles.
Q How far was Fort Stockton from Chihuahua? A It is about 400 miles.
Q How far is San Antonio from Tahlequah? A It is about 600 miles.

WITNESS EXCUSED.

J. H. BAUGH, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A J. H. Baugh.
Q What is your postoffice address at present? A Muskogee just at present.
Q How old are you Mr. Baugh? A I am 80 years old.

BY MR. MASKINCS:
Q When were you first married? A In 1854.
Q To whom were you married? A To Charlotte Bryant, Bryant's oldest daughter.
Q Was she the oldest daughter of Col. J. M. Bryant? A Yes sir.
Q You are a brother-in-law of Mr. Lindsey who just left the stand? A Yes sir.
Q Were you living near Col Bryant when the war came up? A Well yes I was, Bryant lived on the east side of the Grand River and I was most of my time,---Bryant lived on the west side of Grand River, I should have said, and the most of my time I was over in the hills near Spring Creek running some saw mills.
Q Do you know Burrell Daniels? A I used to know a negro by that name, I wouldn't recognize him now.
Q Did he have a wife named Miranda? A Yes sir he had a wife, I don't recollect what her name was.
Q When did you first know these colored people? A Well my recollection is pretty bad about the dates or anything of that kind.
Q Was it during the war or before the war? A It was during the war.
Q Where did you know them? A I knew them on Frog bayou I think first, or Duchess Creek.
Q Where was that, in what State? A In Arkansas.
Q Did they belong to Col. Bryant then? A They did.
Q Where did you know them, if you knew them at all just after the war? A Out on Red River in Fannin County near Bonham in Texas.
Q Where were they when the war closed, were they there when the war closed? A Who, them niggers.
Q Yes? A Yes sir.
Q Where was Col. Bryant's family? A They were on the east side of Red River at what is called Horse Prairie not very far from where Sampson Folsom used to live in the Choctaw Nation. They went over into Texas then and fixed to go to Mexico after the at surrender.

Q Did they go to Mexico? A They did.
Q Do you know whether this family of Burrell Daniels and his family went with them or not? A She did.
Q Did he? A Yes sir.
Q Where did they start from the go to Mexico? A They started from out there not far, it is on the east side of Red River.
Q Do you remember the town of Warren, Texas, how far is it from it? A I don't recollect any such town as Warren.
Q Your memory is bad about these names and dates? A Yes sir very bad.
Q You were along with Mr. Lindsey when you started were you not? A Yes sir.
Q Did Burrell Daniels and his family go with Col. Bryant and your family? A Yes sir, they did.
Q State whether or not that he went with him voluntarily or how he went? A Well there was no complication as I know of, if there was any I don't know it, of course there was a crowd of us all went together and I don't know of them compelling any one to go.
Q About what time of the year did you start to go to Mexico? A It must have been the latter part of May or the first of June, I am not certain, I think it must have been in the latter part of May or the first of June that we started to Mexico.
Q Was that in 1865? A '65, yes sir.
Q After you got to Mexico what became of Burrell? A He stayed around there with Bryant's family awhile then Burrell, he skipped out and went to Chihuahua, we lived 6 or 7 miles from Chihuahua and they went up there.
Q Who went up there? A Burrell and his family.
Q How long had they been there with Col. Bryant when Burrell Daniels left and went up to Chihuahua? A Couldn't tell you.
Q Well was it a short time or considerable time? A I suppose it was a month or two, I don't know exactly.
Q What did Col. Bryant do about it? A He sued them, he claimed that he had a contract, I don't know anything about that part of it, they had agreed to pay him for their transportation across the plains and when they runed off, they were to work for this transportation, work for Bryant. When they runed off then he entered suit against them and got judgment and Burrell didn't have any money to pay it and he got Governor Terasso to pay the amount, whatever it was, and agreed to work for Terasso until he paid the debt.
Q You say Burrell got Terasso to pay the debt? A I suppose he did, I don't suppose he would have paid it unless he asked him to do it.
Q Did Col. Bryant have anything more to do with Burrell Daniels after that? A Not that I know of.
Q Were you a witness to that contract that Daniels was to pay him for his transportation? A No sir.
Q You only heard that there was a contract entered into? A Yessir
Q Do you knew of Col. Bryant getting judgemnt against him in the Mexican court? A Well I was not a personal witness to it but that was my understanding.
Q You were there, a member of the family at the time? A I was. living in Chihuahua at the time and Mr. Bryant and his family lived about 4 or 5 miles east of Chihuahua.
Q How long did you remain down there in Mexico? A I stayed there nearly two years, I lived there until in June, 1877.
Q 1867 you mean? A '67, it was June '67.

Q Did you all leave Texas to go to Mexico with the intention of living there at first? A That was our intention, then matters were not settled here and we didn't know how things would go in this country so we went to Mexico, and I always wanted to go to Mexico anyway, so it just suited me.
Q Did you ever see Burrell after Col. Bryant got judgment against him and after he went from under his control? A I couldn't answer that question because I can't recollect what, I may have seen him, but I don't recollect.

BY MR. BLUE:
Q How old are you Mr. Baugh? A 80.
Q How long have you lived in the Cherokee Nation? A 52 years.
Q From what place did you comw to the Cherokee Nation? A I came from Texas here.
Q Have you lived here continuously ever since you came, except what time you were in Mexico? A Yes sir, I have been in the Cherokee Nation most of the time and I have been here all of the time except once in awhile I would go down to Texas and stay a month or so.
Q Were you in the Confederate services? A Yes sir.
Q In what Confederate regiment? A In Stand Waitie's regiment.
Q Did you at any time serve in Col. Bryant's regiment? A No sir.
Q Was Col. Bryant a Cherokee? A No sir only had a Cherokee family
Q He was a Cherokee by adoption then? A I suppose you would call it that? I don't think they are adopted any more.
Q He had been recognized as a Cherokee citizen? A Yes sir.
Q And you married his daughter? A Yes sir.
Q His wife was a Cherokee woman? A Yes sir.
Q Have you been recognized as a Cherokee citizen and enrolled as such? A I have been enrolled as a Cherokee citizen.
Q Then you have been treated and regarded as a Cherokee citizen ever since your marriage to Col. Bryant's daughter? A Yes sir.
Q Where did you join Col. Bryant's party that went to Mexico after the war? A Some where out there west of Bonham, I think.
Q That was in Texas? A Yes sir.
Q Was it at a town or village or city or some camp? A He just camped out.
Q Now when you joined that party, who if anyone, joined with you? A Well now then here, I will state the case this way; there was Bryant and his family and Bryant had a lot of men along with him, soldiers that was in the war that was going to Mexico with him and we all camped over there on the other side of the river together. I don't know as I joined the company any more than any one else, I just went along with my family.
Q At the time you started, this party of you people for Mexico, about how many ~~of~~ were they of you? A I suppose there was about 50.
Q Well of that 50 people how many of them were exconfederates soldiers? A I don't know, there was I suppose 15 or 20 perhaps that went along that was part of the way out there and they branched off and some of them I think went up toward ElPaso.
Q Where did they branch off from you at? A They branched off at, my recollection is very bad--well now I think it was about Fort Stockton somewhere along there, that some of them left us.
Q About how many of them left there, if you remember? A I don't remember.
Q How did you travel from this place in Texas over to Mexico?
A We went in wagons and teams.
Q Any of you on horse back? A There was a good many of those boys that were with the family went along horse back.

Q Were you a slave holder in those days? A No sir my wife had a little negro girl.
Q Was she along? A She was along.
Q What became of her? A She died in Mexico, I think those Mexicans poisioned her.
Q Was she sold into slavery in Mexico? A No sir.
Q Did she live with you after she got to Mexico? A Yes sir.
Q Did she live with you up until the time of her death? A Yes sir
Q How many slaves did Col. Bryant have with him of his own slaves from the time you started to old Mexico? A I don't remember exactly, how many I couldn't tell you. They took aout there--there was one family that belonged to his mother-- let's see--- there was 3 or 4 of them maybe, I don't recollect exactly how many, I can't remember.
Q Did he have Burrell Daniels and his family along with him?
A Yes sir.
Q Burrell at that time was his slave? A They were when they started from here until the surrender come, there was no slaves after that.
Q What did he do about the matter when he got over to Fort Stockton? A Of course the understanding was that Mexico was a free state, and that this fellow Burrell and his family agreed to pay his transportation to Mexico and he was to work out the money.
Q That is for carrying him over to Mexico? A Yes sir.
Q When he started Burrell was his slave? A If there was any slaves after the surrender.
Q Burrell understood he was his salve at that time? A Yes sir.
Q And he held Burrell and his family in slavery until he got out to Fort Stockton? A I couldn't say.
Q Did he out at Fort Stockton make some kind of a release of them and brought them over there? A I couldn't testify to that, I wasn't present at the time it was done but that was my understanding.
Q At that time he agreed to free them and he was to pay him for carrying them a cross there? A Yes sir.
Q And that contract was he was to work out that bill over in Mexico when they got there? A Yes sir.
Q And after they got there it seems that Burrell went up to Chihuahua and refused to carry that contract out? A Yes sir.
Q And then he proceeded under the Mexican law against Burrell there? A Yes sir.
Q What government was in control of Mexico at that time? A the Liberals.
Q Was it a government of the Mexican people at that time? or Maximillian? A It was the Mexican people.
Q Do you remember what year that was? A That was in '66 I think, I was there in '66 and '67 and I think it was in'66.
Q Do you remember when you and Col. Bryant's party passed into old Mexico? A Very well.
Q What was that date? A I don't remember the date but I recollect the time. ..
Q You say you started in May or June of 1866 from Texas? A Yes sir.
Q How long were you on the way? A Well we must have been maybe 5 or 6 weeks, I don't know for certain, I can't recollect.
Q Then you probably crossed over into Mexico in July or August of 1865? A Yes sir.
Q Do you remember of stopping at some springs up near the line?
A At Leon Holes.

Q I will ask if when you started from Stecton what place in Mexico fif you intend to go? A Our calculation was to go to the State of Sonora, then we aimed to go to Chihuahua, after that we give out going any further.
Q Do you remember of stopping at some ~~at~~ springs about 20 or 30 miles of the line either Cotton Wood Springs, or some such springs as you stopped? A It was no place, only a hollow between two hills.
Q You camped there didn't you? A We camped there a little while
Q Now as a matter of fact during the time that you were in Mexico up until just before you left there Maximillian was the emporer of Mexico was he not? A Well I don't know that he was, he was not recognized in Chihuahua at all.
Q He had the capital city and was in control of the government?
A Yes he left the capital at Chihuahua ~~xxxxxxxxxx~~ was in control of the Tradoras, that was a traitor to the Mexican government.
Q At any rate he was an adherent of Maximillian? A Yes sir.
Q And the city of Mexico and the government was in the hands of Maximillian? A The City of Mexico might have been but Chihuahua where we were was in the hands of the French.
Q How long did you stay there all together? A A little less than two years.
Q When you returned from Mexico, who, if any one, came back with you? A No one came back with me but my family, my wife and children.
Q When you came from Mexico to what place did you return? A I stopped up on Grand River.
Q I mean did you return to the Cherokee Nation? A Yes sir, to Cooweescoowee District.
Q So far as the contract that was made between Col. ~~M~~ Bryant and Burrell Daniels and his family you know nothing only by heresay~~E~~
A Nothing at all.
Q When did you first see Burrell Daniels that you remember? A I couldn't remember that.
Q Where did you first see him? A Couldn&t remember that.
Q Do you know that Col. Bryant's family was down in the Choctaw Nation during part of the war? A I do.
Q Were they in Arkansas too? A Yes sir, they were at Evansville.
Q Do you know whether they lived in Texas during the war? A Not only when they went there to go through.
Q During the time you were on this trip from Texas to Mexico,what did Burrell Daniels and his family do on the trip. A I think maybe Burrell drove a team.
Q Wasn't he a blachsmith? A If he was, I don't know it.
Q What did his wife do on that trip? A I don't know unless she helped the women cook.
Q As a matter of fact Burrell Daniels and his wife worked for Col. Bryant all the way over there? A I guess they did.
Q You also had a herd of cattle that you subsisted on? A Yes sir we carried some beef cattle along with us.
Q And some cows? A Beef cattle principally.
Q About how many did you have with you? A About 50 or 60.
Q Did you have any oxen with you? A Yes sir,I had an ox team.
Q State if you know why Col. Bryant's family during the war sometimes lived in the Choctaw country? A Just cause they couldn't live up here.
Q Why couldn't they live up here? A Cause they were Southern people.
Q And then they lived down in Arkansas and the Choctaw country to get out of the way of the Yankees during the war time? A That is what they did.

Q You say you don't remember when you first saw Burrell? A No sir
Q Do you remember anything about his belonging to a man by the name of Daniels at the commencement of the war? A No sir, I knew some Daniels.
Q Did you ever know anything about his belonging to a man by the name of Johnson Thompson? A I knew Johnson Thompson.
Q Then when you first saw him he was with Col. Bryant? A Yes sir
Q Did you during that time see Col. Bryant in the Choctaw Nation at that time? A Bryant was there part of the time.
Q Do you know whether or not he left the Choctaw Nation to go to Texas at the time he started to Mexico? A He left the Choctaw Nation to go to Texas.
Q Did he go from the Choctaw Nation over into Texas before he started to Mexico? A That was my understanding.
Q Were you with him in the Choctaw country? A I was then about 3 or 400 yards of where his family lived.
Q Then you saw him in the Choctaw country before he crossed over into Texas? A Yes sir.
Q About how many slaves did Col. Bryant have in his party when he started to Mexico? A I don't know, I suppose 15 or 20, I couldn't by any ways correct, I never paid any attention to it.
Q There was something like 15 or 20 then? A I think so.
Q Now outside of Burrell Daniels family what family of the rest of these slaves did you know? A Some of them went to Mexico.
Q Are you sure about that? A I don't know?
Q As a matter of fact didn't your party including these slaves after they got down there to the line, didn't you all first cross over into old Mexico, slaves and all? A They all went with us.
Q Now you say the slave girl that belonged to your wife died in old Mexico? A Yes sir.
Q Now outside of Burrell Daniles family what became of the rest that were carried into old Mexico? A Some of them came back and some of them stayed.
Q Did you ever see any of those that came back? A I have.
Q Who were they? A One was a negro woman named Bettie that belonged to Mrs. Buffington.
Q What was the name of the other? A That came back, I don't know of any others. Lets see, I believe Bettie is the only one that I recollect of seeing to come back.
Q Where is she now if you know? A Up here about Choteau.
Q Is she still living A She was a year or two ago.
Q Do you know about how far is it from Chihuahua to Tahlequah?
A. No sir, I couldn't tell you.
Q About how far was it from Chihuahua to San Antonio? A I think it is about 7 or 800 miles, Maybe 900, let me see, it is from Chichuahua to Fort Davis is about 200 miles, and from Fort Davis to San Antonio I Think is 500 miles. Well, it is about 7 or 800 miles from Chihuahua to San Antonio.
Q Now can you give me an estimate of the distance from San Antonio to Tahlequah? A I would have to get a railroad map and figure it up.
Q When you reached Fort Stocton with this party about how far were you from the Cherokee Nation? A I would have to have a pencil and map to tell that.
Q About how many miles do you think it was? A That is too hard for me.
Q Now when you travelled over that country from this point in Texas from which you started to Mexico by the route you took, was it a settled country or wild and desolate? A It was settled until after you left the Colorado River, out west

here at the head of the Concho River there was no settlement there until you reached the Rio Grande. It is considered 90 miles from the head of Concho River to the Pecos, that distance is a desert, no water.
Q Then you had to carry water over there? A Yes sir.
Q Then that coutry was a wild and part of it an arid country where you crossed over? A Yes sir.
Q How did you subsist while you travelled over there? A We subsisted on meat and bread and water.
Q Did you carry the bread with you? A Of course we carried flour and we had beef and salt.
Q I understant that you say that fjust prior to Mr. Bryant's starting to Mexico you and he lived near each other in the Choctaw country? A Yes sir, my family and me and Bryant's family we lived close together w awhile.
Q How long did you live there before you went over into Texas? and started for old Mexico? A I expect about 12 months maybe.
Q Did all those negroes that he had with him there in the Choctaw Nation did he take with him to Mexico? A I couldn't say.
Q You don' know of any of the negrees that were with him there, that he didn't take, do you? A No sir.

BY MR. HASTINGS:
Q New how many negroes did he get into Mexico with that you remember, your best judgment, about that? A I expet about 10 or 12.
Q Was there more than one family besides BBurrell Daniel's family? A ~~Th~~ Yes that is there was some other miggers, I don't know ~~xxx~~ as any of them had any family they were mostly women.
Q Did they belong to Col. Bryant or some other members of the party? A Yes they belonged to Bryant and some, there was one that belonged to Lindsey's wife, and one belonged to Mrs. Buffington, a girl, and one that belonged to my wife.
Q Now I will ask about those slaves that Col. Bryant took over there, did he have any other besides the Burrell Daniels family and one other family? A L ets see, I think there was two other girls, maybe they called one Rainy and another girl,--- I forgot her name.
Q All of Col. Bryant's original slaves did not go to Mexico did they? A No sir, I guess not.
Q And they all didn't start with you to Mexico? A No sir.
Q You were not present when that contract was signed with Burrell Daniels to pay back his transportation to Col. Bryant? A No sir I was not present.
Q But you understand one was signed? A I couldn't recollect knowing about the contract, only it was my understanding that there was a contract of that kind.
Q And he sued him and got judgment upon this contract? Yes sir.
Q Now you were asked about your citizenship and that of Col. Bryant awhile ago and you laughed, why was that, is your citizenship a proposition that is in question, the intermarried whites of this country, there rights is in the Courts isn't it? A Yes sir, I guess so.
Q Well I am asking you, Col. Blue was asking you about whether you werea citizen and whether Col. Bryant was a citizen? A What I was laughing about he asked me if Col. Bryant was an adopted citizen, Well I don't know whether he had ever been adopted or not, he was married in to the Cherokee Nation.
Q ~~He was a white man himself? A Yes sir, he married a Cherokee~~ woman but whether or not he had ever been adopted I don't know, adopting and marrying into the Cherokee people is a different thing aint it?

Q Do you know from whom Col. Bryant bought Burrell Daniels? A No sir I dont.
Q Now didn't you answer ahile ago that the first time you saw Burr Il Daniels was in Arkansas? A It appears to me that he must have been out on Frog Bayou, he rented a farm down there, maybe in '63 down on Frog Bayou, and he had some niggers on it, whether Burrell was amongst them, I don't know but maybe he was.
Q That is your impression, but you don't know? A My recollection aint very good.
Q How old are you now? A I am 80 years old.
Q Your recollection about these dates is not very good? A No sir
Q What became of the rest of these slaves that Col. Bryant had and subsequently went with him to Mexico, what became of them?
A Well when I left Mexico they were in Chihuahua, that is all I know about them, I don't know, I didn't come back with Bryant's people.
Q Did you come before him or after he did? A I started before he did.

BY THE COMMISSION:
Q How many Cherokee families were in this party that went to Mexico? A I don't know, lets see, in our crowd there was myself, xx was the oldest one, Lindsey and Buffington and Bennett, and Bryant himself.
Q They all had families did they? A Yes sir.
Q This party was then composed of Col. Bryant and his children and their families together with some of their slaves? A Yes sir.

BY MR. HASTINGS:
Q Was Buffington and Bennett son-in-laws of Bryant? A Yes sir.

BY MR. BLUE:
Q Did Col. Bryant have any of the slaves of his mother along with him? A Yes sir.
Q How many were they of them with him when the party went to Mexico? A Three I think.
Q Were those the gorls that you were speaking of ahhile ago? A Well there was one nigger man named Abe, he stuttered very bad, you could hardly understand him at all, and then there was a nigger girl Nealie and then the old woman, I dont recollect whether she was living or not.
Q What became of the other slaves of Col. Bryant that you say you and he didn't take to Mexico with him? A I don't know.
Q Had they runed off? A No sir I think not.
Q Where do you think they left them? A I don't know, some of them,--lets see-- I don't recollect.
Q As a matter of fact Mr. Baugh Col.Bryant took all the slaves he had with him when he started to Mexico? A No sir, he didn't.
Q Where di he leave any of them? A Well he left some of them on Red River I think.
Q Beofre he went down into the Choctaw coutry ? A No sir, before he went to Mexico.
Q Had he sold them? A Yes sir I think he sold them to some fellows there for beef cattle.
Q Not the slaves? A These fellows that bought them I think were Yankees and they thought they would be allowed to keep them I reckon.
Q And you mean to say that he took all the slaves except what he sold at that time? Did he? A Yes sir.

Q Had all these sons- in-law of Col. Bryant that were with him there in that party been in the Confederate army? A. Yes sir.
Q About how many more confederate soldiers were there with him before he started to Mexico besides his sons-in-law and sons?
A Well I can't recollect there was some fellows, a little company I think there some men that started out that was put I don't know where they left us.
Q What was his name? A I think it was Captain Steward.
Q Did he have a company of his own? A Yes sir a small company, they all had left him but 10 or 15.
Q Then there was his company of 10 or 15 and Col. Bryant and his sons-in-law that started to Mexico? A Yes sir.

BY MR. HASTINGS:
Q You don't know how far he went with you? A I don't recollect where he left us.
Q Who all got to Mexico with you or do you know? A There was Bryant's family, and his sons-in-law and there was some other fellows that fell in with us, several that fell in along.
Q So you don't remember the names of the parties? A No sir.

BY MR. BLUE:
Q Did any other fellows that fell in take in slaves to Mexico?
A No sir.

W I T N E S S E X C U S E D.

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R.W.LINDSEY, recalled by Cherokee Nation:

BY MR. HASTINGS:
Q Did you witness that written contract that was made between Col. Bryant and Burrell Daniels that was made at Fort Stockton? A Yes sir.
Q And it was made to cover the expenses and transportation of Burrell Daniels and his family? A Yes sir.
Q And you were a witness to it and signed it as a witness? A Yes sir.
Q Of course you don't know what became of that contract? A No sir.

BY MR. BLUE:
Q Did any of those colored people sign that contract themselves?
A No sir they signed it by mark.
Q Who wrote the names? A Lem Smith and Joe Bennett and myself witnessed it.
Q Who was Bennett? A A son-in-law of Col. Bryant.
Q What was Smith doing with the party? A Smith was an old friend that went with us.
Q He was and exconfederate soldier was he? A Yes sir.

BY MR. HASTINGS:
Q Daniels thoroughly understood the nature of that contract?
A Yes sir.
Q It was explained to him? A Yes sir.

BY MR. BLUE:
Q Who explained it to him? A Col. Bryant.
Q What was the contract? A It was that he was to pay so much money for the transportation of himself and family into Mexico, and that he was to work it out at the contract price, I don't know whatever that was, can't say about that.

BY THE COMMISSION:
Q What was this Fort Stockton, a small village or what was it?
A It was a small kind of a barracks it was, I suppose built to accommodate one or two companies for their protection, it wasn't very old, it was put up there during Buchannan's administration.
Q What was the nearest town to there? A I couldn't say, El Paso was about 200 miles.
Q What kind of a country was there around Fort Stockton? A There was prairie country.

BY MR. HASTINGS:
Q Were there any soldiers there at Fort Stockton? A No sir, and hadn't been for quite a while.

BY MR. BLUE:
Q That was a abandoned fort then? A Yes sir.
Q What was the nearest settlement to that fort at the time you were there? A I said El Paso or Presidio de Norte.
Q About how far was it? A About 200 miles.
Q Was there any houses in between there? A Well it was quite a distance to any of them.
Q This place you spoke of as Presidio de Norte is it near what is El Paso? A No sir, it was way down the river.

J. H. BAUGH RECALLED:

BY MR. BLUE:
Q In answer to a question of Mr. Hastings you said that Burrell Daniels asked this Governor of Chihuahua to pay this judgment, you don't know anything about that do you Mr. Baugh? A All I know about it is that it was my understanding that Governor Terasse paid Col. Bryant for their transportation because Burrell agreed to work the money out and he went to Terrasse's ranch, sheep ranch, and took care of sheep.
Q What I want to get Mr. Baugh you don't know how that happened to be done, you don't know anything about Burrell Daniels requesting it or anything of that kind? A No sir just my understanding.
Q Your understanding as I get it is that the Mexican Governor did pay that and took these people and put them out on the ranch? A No sir, I don't know about them, but I am satisfied that he never did without being asked.

BY MR. HASTINGS:
Q Why are you satisfied? A Well if he ~~[illegible]~~ hadn't I think I would have found it out.

C H E R O K E E N A T I O N R E S T S.

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This case was here continued until 1:15 P. M. this day.

The following testimony was untroduced on behalf of the applicants.

BURRELL DANIELS, being first duly sworn, testified as follows:

BY MR. BLUE:

Q What is your name? A Burrell Daniels.

Q Are you the same Burrell Daniels that has testified before in this application? A Yes sir.

Q Did you know Col. Bryant? A Yes sir.

Q Where did you first know him that you remember? A When I lived up there on Grand River.

Q Did you know him before the war began? A Yes sir.

Q Did he ever after the war began get control of you? A After the war began, a long time after it commenced I was put with him with his command, me and a whole drove more.

Q Who put you there? A Our owners put us there to keep us out of the way of the Yankees.

Q Was that all done at once or from time to time? A Done when they had us on a retreat down here when we got out here about Skelleyville, Choctaw Nation.

Q Did you have a family then? A Yes sir.

Q Where were they? A My wife belonged to Johnson Thompson, and Lewis and Abraham, and Tom and Sarah I believe they were my oldest ones, and Nancy.

Q What became of your wife and children when you were put with Col. Bryant? A They were with thw white family, with Mr. Bryant family.

Q Do you mean by that that Col. Bryant took charge of you and your family? A He told us all the time we were with him to keep us out of danger.

Q Were your family with him the same as you were? A Yes sir, they stayed with his wife and he taken me out in the army with him, and the rest of them worked around the family.

Q How long were you with him during the war? A I think it was over two years, while the war was going on.

Q Do you remember being with him in Arkansas at any time. A That was when he first put us with him.

Q At what place in Arkansas? A On Frog Bayou below Van Buren.

Q Who had that place in control at that time that you know of? A I don't know who was the owner of it, it was turned over to him.

Q Turned over to who? A Mr. Bryant, I didn't know who was the owner but he took charge of it and put in a crop there, but I don't recollect whether he gathered the crop or not.

Q Did you work on a farm there? A Yes sir.

Q Did those other colored men work there too? A Yes sir, I worked there but most of the time I was out with him.

Q What did you do with him when out with him? A I cooked and drove a six mule team.

Q After you left Frog Bayou to what place did he take you? A He carried us over to Fort Smith and camped a day or two and then we were taken down the Arkansas River to Dardenell and before the winter was out he carried us in below Doaksville, and then after a while he carried us up above Doaksville.

Q Where were you in down there about Doaksville? A In the Choctaw Nation on the Red River.

Q At what place in the Choctaw Nation did he keep you at the time he had control of you? A We were down there below Doaksville awhile and moved from there above Doaksville on the Red River and stayed there until the war ended, moved the family up there, the colored family and his family.

Q You were then in the Choctaw Nation were you? A Yes sir.
Q About how many colored people did he have there in that neighborhood at that time? A He must have had about 30 or 40, something along there, little and big.
Q Do you know to whom these colored people had belonged before that time? A Some of them had belonged in the Nation here, and some of them belonged to some persons in Missouri, and some of them belonged to somebody on Grand River, and some of them were his own.
Q Do you know whether any of his mother's slaves were along? A Yes sir, his mother was along with him.
Q Col. Bryant's mother? A Yes sir.
Q Did you know a Mr. Baugh, a son-in-law of Mr. Bryant? A Yes sir.
Q Do you remember any other sons-in-law? A Yes sir, Mr. Lindsey, John Buffington and Joe Bennett.
Q If he started to old Mexico from what place did he start? A From up there above ~~Skellyville~~ Doaksville, he never started until the war ended and everybody was going home, he come and told us to get ready we were going to march and he marched us over into Texas, and some of the niggers were talking about running off when he said he was going to take us along, and he said he was going to kill the niggers that runed off, and Joe Bennett told him to kill old Burrell and he wouldn't have any trouble, and he called me up and asked me if I was trying to get them to run away and I told him no, and they took us then and carrie d us further over into Texas and they was cutting wheat with cradles and we worked there and after this and started out for Austin, Texas, and when we got to Waco and crossed the river and got on the other side of Waco, and camped, his men want back into town and broke into stores and he had to leave there, and then struck out for Austin and was going to Austin met a runner stating the Northern Troops were in Austin and then struck out across the plains.
Q Where did he go to then? A He travelled I reckon about two weeks, got clean out the settlement and camped, picked out some of his best men, Captain Stewart, Lieut. Thomas, Lieut. Gatterson and sent them back to east Texas and they bring out 1500 head of cattle.
Q About what place was it that they went back after the cattle? A I couldn't tell, it was way out on the plains wuite a goods ways from any settlement.
Q What did they do with that 1500 head of cattle? A Carried them along with us and a crowd got after us and we were two nights and days without anything to eat or water.
Q You mean to say he and his party and stock travelled how long? A Marched us all night and all day, told us we had to keep kicking there was a crowd after ~~x~~ us.
Q What did you do then? A Travelled until he thought we were out of danger and then camped so as to let the stock graze and after a day or so we started on again.
Q Did you continue to travel? A Yes sir, until we got to, I don't know exactly how long ~~xx~~ we travelled, we travelled until where the United States used to have troops and there he stopped and rested awhile. He stopped there like this evening and the next morning made us all form a line and told us to come up and sign a paper he had made.
Q Who do you mean by saying all? A All the colored men.
Q Did you form the line? A Yes sir.
Q Then what did he say to you? A Said to sign this paper and the first nigger kicked why he would kill him and let the wolves eat his bones, and when we got to Mexico he was going to put us on a farm ~~xx~~ and get even with us.

Q What did he do there when he had you in line and told you that?
A Nothing but to sign it.
Q Did you sign your names? A No sir, he signed it and we touched the pen.
Q Was there anybody there with you who saw it? A Yes sir I have a boy there.
Q Do you remember any white men? A Yes sir, his soldiers and all his sons-in-law.
Q How many of his soldiers did he have? A I don't know exactly, had a little squab of them, maybe 35 or 40, maybe more.
Q Were they armed or not? A Yes sir, all had arms.
Q How did you travel across that country? A All of them colored men were driving mule teams.
Q You say his sons-in-law were there when you signed this paper?
A Yes sir.
Q Were they armed or not? A Every one of them were armed, they had the arms on them that were in the war with.
Q Do you remember Lindsey one of the sons-in-law? A Yes sir.
Q Was he there? A Yes sir.
Q Do you remember whether he witnessed the contract or not? A Yes sir they were all there.
Q Now you state to the court whether you went with him to Mexico of your own free will? A I did not, I have got to die before long, and it would not be honorable for me to tell a lie. He made us go.
Q Was that true of all you colored people? A Yes sir.
Q About how many of you men that he made sign that contract that day? A Me, Tom, Joe, Uncle Edwin, I think there was six of us, just the men, no women.
Q At that time about how many colored people did he have with him out there at that fort? A He had a lot of women and children, every one of them had children, about two or three girls.
Q Are you able to state about how many there were of them? A My woman I think had Lewis, and Abraham, and Tom, and Nancy, and I think Sarah, and then there was another woman alongxkxd that had two children but as he was going through Texas he sold Rainy and her children and the balance he carried on.
Q To whom did Uncle Abe belong? A Mr/ Bryant.
Q To Mr. or Mrs. Bryant? A I guess to Mrs. Bryant.
Q Is that the old lady? A Yes sir.
Q Col. Bryant's mother? A Yes sir but he had them with him all the time.
Q Now those colored people that were with him at this fort all go over into Mexico too? A Yes sir all went over into Mexico when across the Rio Grande travelled on about 160 miles from the Rio Grande camped us there by a Mexican French called Talliope.
Q How far was that from Chihuahua? A One mile.
Q After you got to Mexico what occurred in regard to you colored people over there? A Every day ot two a Mexican would come out in fine carriages and carry off the girls and boys and told him they would pay him so much money apiece for them and ~~xxxx~~ asked him if they were citizens. I got up one night about midnight and went up to the city and hid them.
Q Then what occurred? A I suppose he went before the French general and taken oath of allegion and had a writ issued from the French and come down and arrested me and marched me and my family down the street and an American merchant there met them and told them he had runed off with us, that we were free when we left here and that throwed it into court.
Q Told them Col. Bryant had runed off with you? A Yes sir.

Q Then what was done? A While they were trying the case stepped in a little man very fine dressed and he come in and asked Mr. Bryant and talked French, Mexican and English and said he wanted to have a word to say to Mr. Brynat and asked him when he started from the States with these niggers and he told him and he asked him how long you were crossing the plains with these niggers, and he said three months, and asked how come him so long and he said took it slow and asked him what this man was doing here, and he said drive my team, he asked him what kind of a team and he said six mule team, he asked him what did these nigger women do and he said waited on my mistress, and he asked him what these little boys did and he said drove my stock; and he said he runed off with these niggers and he sent a runner to Maximillian that he runed off, and the runner come back and Maximillian said let them be and he turned around to the court and asked him if it be that, and he asked Mr. Bryant how much they owed him, and he said $300.00, and he asked him if any niggers ever owed his master, and Mr. Bryant didn't answer, and he turned around to the French officer and told him to sum it up so much a piece for this man, woman and they sumed it up and knocked it down to $113.00.
Q They put that in as a counter bill against Bryant's claim? A Yes sir.
Q That reduced ti to $113.00? A Yes sir, and the Mexican Governor got up and said I have no say so, if I had I would have turned them loose when you first come here and he paid the $113.00 and sent us out on the ranch.
Q Was that the man before whom you were tried? A That was the Mexican Governor, he put us out on the ranch and worked us 5 or 6 years, they give me $6.00 per month, my wife didn't get nothing and my little boy sometimes would get $1.50 per month to herd sheep and while I was working there, I was on the road which runed from Chihuahua to El Paso come a man moving his store from Sante Fee and he asked me what we were doing there, and he said my wife is from New York and I am going in and pay you all out from here, and I will give you a chance to get out of here, and went on in, and a Spanish man came to the ranch and said the Mexican Governor said for us to come to the city and asked what he paid for us ans he paid $250.00, and we went to work, she nursed for the madam and I cooked.
Q That is this party that paid you out? A Yes sir, he give us $8.00 a month apiece, and we worked this $250.00 out with him.
Q Then what did you do? A When I got through that I worked around my wife was expecting to be confined and after a month until she got straight and I left her there with Mr. Brown, a lumber man and I followed a train of Wagons from the City of Chihuahua to the Rio Grande and the Government had wheat shipped out of Mexico.
Q What Government? A The United States Government, grinding it for the forts up and down the Rio Grande.
Q You say the United States Government had whaet shipped out of Mexico? A Yes sir they shipped wheat and had a mill right on the bank of the river.
Q Grinding this wheat for the use of the United States soldiers? A Yes sir.
Q When you got through there, what did you do? A I went to work there and I cooked for the boys and worked in the mill of nights for about ten months and kept money going back to my family to keep them up and finally come a Mexican train from San Antonio, Texas, went into Chihuahua and he promised to bring my family to me for $15.00, and he brung them to me for $15.00, and they stayed there

with me until another train came along, an American one and an Mexican driver by the name of Mr. Grover, and they went on to the City of Chihushua and when they returned back I told them that I wanted to go to San Antonio with them if I could. I told them I had a big family but didn't have enough money to pay them and he asked me if I could shoe mules and I told him yes, and we crossed on the train, and every time we stopped and rested I would shoe 5 or 6 mules, and when we got to the City of San Antonio, I went to him and asked him what he would charge me and he looked at me and laughed and said, you have done better to me than the blacksmith ever done, and he said the mules were better shod than they ever was, and he gave me $10.00 and told me to go and rent a house.

Q That was at San Antonio? A Yes sir and after I left the Rio Grande and got to Fort Davis the United States give me rations to Fort Stockton and there they give me rations to Fort Clarke, and ~~the~~ there they give me rations to San Antoinio.

Q That was when you were travelling with the train? A Yes sir.

Q What did you get working there at the mill for the government?

A I got $25.00 a month and sent a big part of it back.

Q When you reached San Antonio how much money did you have? A I don't guess I had any.

Q You got $10.00 from that train master? A Yes sir.

Q Outside of that did you have any oth er money of any consequence? A No sir, I don't think I did.

Q What did you do there at San Antonio? A I went to work there I reckon about a year and not being used to the climate and water I took down and was down to near a year and the City Doctor had given me up to die, and I was very sick and the doctor came around from New Orleans and took hold of me and stayed with me until I got up.

Q Now during the time you were down sick did your family do anything? A My wife washed and the boys worked around the hotel.

Q Did they save up any money while you were sick? A When I got up I borrowed the money and paid the doctor bill from a policeman named Sol White loned me #25.00 to pay my doctor bill and as soon as I got able to I went back 25 miles from San Antonio on a ranch and went to work, me and the boys.

Q How did you work there? A Put in grain and cotton on the halfs and the first year I come out a little in debt.

Q Now you tell what this farm contract was that you worked under?

A The rent was half renters and I don't care how much you made everything you ate came through their hands and you had to sell what you raised to them and whenbyou got through they might say you were ahead or you were in debt.

Q When you say hal f rents that means half you raised and when you went to the stores you bought the stuff from them? A Yes sir.

Q Then at the end of the crop season what was the consequence,how did you come out of it? A At the end of the crop season he said I owed him $300.00 and took the crop for it.

Q What did he say about your coming away? A He would not let us come away, we were in debt a little and said we had to stay there and put in another crop and we did stay and we put in another crop and took up and I left anyhow.

Q Where did you go then? A Back to San Antonio.

Q Then what did you do? A Worked around there awhile until I got a little money and there happened to be an excursion starting out and the old lady said she wanted to come back and we taken that excursion train and stayed on it until we got to Wimer, Texas, and they put us off there.

Q Now you said you loaded up and went down to San Antonio, did you have a team there? A No sir, I never had any team.
Q What did you have there? A I hired a man to haul us away.
Q Did you have any money at that time? A No sir didn't make any, didn't get any out of the crop.
Q The owner still claimed you owed him? A Yes sir and after I got to San Antoinio he came in and told me if I would come back and go to work he would give me $30.00.
Q Now then when you got up to Wimer what did you do then? A I went up to place near Holdman Valley and raised cotton.
Q Was that in Texas? A Yes sir Page County, near Wimer I put in a crop there and gave half I made and I come out even and I was going to quit and go to another man named Mr. Wimer and the man that I rented from came out and said here don't you leave here, my brother had made a kick about this half rent, claimed that we were starving the poor people and said out of every four bales you give me one and take three, and give me one and you take two thirds of the grain, and I stayed there and went through that year and I believe me and my son made 15 bails turned in my rent and paid up all our debts and everything and we had money enough to come to Muskogee, and when we went to start, and the l ast day settling up my wife was with me and they come down there and told us not to leave, and said you have just got to stay here another year and I will fix it so you can get a little piece of land up on the prairie, and my wife told him no she couldn't do it, and he said you had better not do it for I read in the newspapers that those Cherokees were killing niggers and floating down the river, you had better not go, but we didn't stay.
Q Then what did you do after you come to Muskogee? A I went down here and found mu mother, got here in the fall and the Cherokee council just had adjourned and I worked for a lawyer called Bird Harris, and I went to work for him and fixed fence.
Q Was that in the Cherokee Nation? A Yes sir, out here just the other side of that church and I worked for him and made a crop and moved down to Mrs. Nivens.
Q Was Mrs. Nivens place in the Cherokee Nation? A Yes sir.
Q Then what did you do? A The next fall come after the time we got here I went to the Cherokee council, Gus Ivy and George Butler got up a bill and carried it in and had it signed up and all the half breeds signed it up but the full bloods and they got up and made speeches said that we were carried to Mexico and kept there so many years and said we had a right but they every one signed it up and George Butler got a room where there was nothing but full bloods and George told them he wanted them to sign it up, that this ~~and~~ old darkey had been to Mexico a long timeand they studied so long that he told me to go in he wasn't going to fool with them, we can make up citizens without them damn Indians and Mrs. Bushyhead said you have got plenty of time and told them to go on home and they would see if I got mu citizenship and when Wallace enrollemnt come on Mistress sent for me old Mrs. Daniels, at Vinita, and I was put on the roll up there.
Q On the Wallace Roll? A Yes sir, she sent two colored men up as witnesses for me, and when Kern-Clifton come they sent me a letter to meet the enrollment in Tahlequah, I don't know it was written to me by some of them Cherokees, I went and Mrs. Bushyhead got up and witnessed for me and had them take my name amd send it to Wash-~~ington~~ ington to the Secretary to act on it. Mr Hastings was there and seen that.

Q Was any of your family besides that? A Every one but Tom and Lewis, didn't get their names right.
Q You mean by that they made a mistake in putting those two on?
A Must have they didn't get them on but got all the balance.
Q Who was the Chief of the Cherokees when you came back that you know? A Mr. Bushyhead.
Q During the time that you were with Col. Bryant on the way to Mexico and after you got there until you got back to the Cherokee Nation where did you intend to go to when you got so you could go?
Mr. Hastings: I object to that as not being a legal proposition

A I always intended to come to the Cherokee until I got here.
Q During all that time where did you consider your home? A Cherokee Nation.
Q Did you ever at any time have any home anywhere else? A Never did.
Q Why didn't you come back to the Cherokee Nation sooner? A I wasn't able to ~~xxxx~~ I had a house full of little children and sometimes I would get to working, worked out and couldn't save enough to come up and just as soon as this railroad got to San Antonio we taken the train then and kept a travelling until we got here by working along.
Q Now was there any time during all that time in your power to get back here any sooner than you did? A It was out of my power I had nothing to come back here with.
Q As soon as you got the money you came back? A Yes sir.
Q Now when you got back into the Cherokee Nation what did you do in the way of fixing a home for yourself and family? A I just worked around in the Creek Nation and in the Cherokee Nation just where I could get good wages.
Q Have you ever had a home anywhere else except in the Cherokee country? A I built a little place down here close to the line in the Creek Nation, went back over into Canadian awhile and lived.
Q How long were you at that place in the Creek Nation? A I don't know, maybe two or three years, sold it for some stock and moved back in the Cherokee Nation.
Q Do you remember what year it was that you had a place over there? A No sir I couldn't tell you exactly I can't read, I couldn't tell you ~~xxxxxxx~~ what year it was; I have been living on Caney River about 9 or 10 years up in the Cherokee Nation.
Q Coming back to this fort to which Col. Bryant took you, do you remember the name of that fort? A Fort Stockton.
Q At the time he compelled you colored men to sign that contract about how far was it from that place to any settlement that you know of? A There was no settlement.
Q According to your best judgment about how many miles were you to any settlement? A I don't know exactly how far it was from Stockton to Davis and after we got to Davis it was 90 miles to the Rio Grande.
Q On the day you were set free did you have any teams or horses any way to get away from there to Waco? A No sir never had any way.
Q Did you have anything of your own to eat if you had started back from there? A No sir nothing at all.
Q During that time did you ever say to him or to any of his people that you wanted to go to Mexico or that you were willing to go to Mexico? A No sir never asked none of us. After he moved from the Choctaw Nation to Texas he called us up and said he heard some of us were talking about running away and he said he would kill us if we did, had a great mind to kill us anyway.

Q At the time you say he told you you had to sign this contract, just tell me what he said at that time? A He said he heard some nigger murmuring back there in the crowd and if he does it again I will kill you and let the wolves eat you right here.
Q What did he sau about carrying you into Mexico? A He said I am going to carry you over and put you on a farm until everything gets peaceable here and I will fetch you back to the nation.
Q Do you know anything about where that 1500 head of cattle come from of your own knowledge. A No sir he sent men back and got them.
Q Do you know who brought them back to his camp? A I know the officers, Captain Stewart, Lieut. Gatterson, Lieut. Thomas, Lem Smith and Joe Bennett, Bennett was a son-in-law.
Q Who was this man Smith? A A soldier of Bryant's.
Q Had lived with him before the war? A Yes sir.
Q What became of that 1500 head of cattle? A Took them to Mexico and sold them.
Q Kill any of them on the way to eat? A Yes sir.
Q Did he have any cattle of his own when he started from Texas?
A Yes sir had a few, bunch of cows, in driving through the settlements of Texas those cows, we had a little boy to drive them and he would tell the little boy to get around there and mix them and carry them on.
Q As you drove along? A Yes sir make a little colored boy drive them in and take them along.
Q Do you know anything about what provisions he had with him when he started from Texas? A Yes sir I was driving a six mule team. It was loaded with flour, he killed a beef now and then for his own family.
Q In crossing over the plains there for whom did you work from the time you left Texas to Mexico for yourself or some one else?
Q Drove a team for the Colonel.
Q For whom did your wife work? A Cooked for her mistress.
Q Did he say anything at Fort Stockton or any place about freeing you? A No sir said there was no freedom for niggers, and that the Yankees were going to take them off and put them on the cotton plantation.
Q When did you first learn about the Treaty of 1866? A When I come to the Na tion here.
Q From whom did you learn it? A Mrs. Nivens and Mr. Harris.
Q Had you at any time before that known anything about the Treaty of 1866? A No sir, never did, where I lived I was in Mexico 6 or 7 years, never heard a thing of it.
Q Did you hear anything about it while in San Antoinio? A No sir not until I got back here.

BY MR. HASTINGS:
Q Burrell what year is this? A I can't read, I can't tell you what year it is .
Q You testified before that you came back here during Bushyhead's second administration, didn't you? A I testified that I came back here a year--the council adjourned and the next year I went and he was Chief but I don't know whether he was Chief when I got here the year before that.
Q Didn't you testify when you were on the stand before that it was during Bushyhead's second administration? A I couldn't tell.
Q Did you testify to it? A I don't recollect.
Q George Butler knew when you got back didn't he? A I told him I got back the fall before we got to Tahlequah.

Q Now he testified in your behalf and it is in evidence that you got back in 1884, do you think that is about cor rect? A I don't know sir.
Q He knew when you got back, didn't he, you told him? A Yes sir he knew when I got back, but I don't know whether he stated it to ~~th~~ counsil or not.
Q But he has testified in your case since this case has been pending before the Commission and he testified that you come back in 1884, do you think that is correct? A I don't know.
Q He testifeid as your witness didn't he, you brought him before the Commission? A He went down there before the Commissioner.
Q Well before this Dawes Commission he testified for you in this case hasn't he? A I said he did, I didn't see him.
Q And he testified as your witness then didn't he? A Yes sir.
Q Now if he testified that you came back in 1884 you aren't prepared to dispute that you stand by your own witness? A Yes sir.
Q That is the first time you had ever been back to the Territory after the war? A Yes sir, but I don't know what time it was.
Q Didn't Col. Bryant give you your discharge out at Fort Stockton?
A No sir.
Q Didn't give you any discharge? A No sir didn't give me any discharge, never until he got that money.
Q And that was over in Mexico? A Yes sir.
Q Was that in 1865? A I don't know when it was.
Q But he did give you a discharge there? A No sir but he sold me to the Mexican Governor.
Q I think you said he got it into court and the Mexican Governor said you owed him $113.00? A The Mexican Governor paid $113.00 to him and put me on the ranch.
Q That was in the Mexican court there? A No sir it was the French Court, the French General took care for us to be turned loose.
Q He testified that you owed him $113.00 for transportation? A Yes sir.
Q That was for you and your wife and your children? A They claimed $500.00 but cut it down.
Q That is what they got wasn't it? A Yes sir.
Q After that Mr. Brynat never had anything more to do with you?
A No sir.
Q How long did you work for that fellow Terasso? A I worked 5 or 6 years.
Q You worked for $6.00 a month did you? A Yes sir.
Q 6X12 would be 72, wouldn't it? A I don't know.
Q It wouldn't take you two years at that rate to work you out?
A No ir you couldn't work it out, every year you worked you owed more.
Q Now you testified that you stayed in Mexico 5 or 6 years? A Yes sir, and I swear to it, there was three children born there.
Q You stayed in Mexico all told 5 or 6 years, is that correct?
A Yes sir.
Q You went there the year the war closed? A Yes sir.
Q Then that made you come to the United States ither in 1870 or '71? A No sir it didn't, the man that paid me out, I worked for him at $8.00 for my wife and myself until I paid $250.00.
Q You said you stayed in Mexico for 5 or 6 years? A I stayed on a Mexican ranch 5 or 6 years.
Q Then where did you come to from the Mexican ranch? A I went out and worked for the man that paid me out and carried me into the City.

Q How long did you stay there? A I must have stayed there 15 months.
Q Then where di you go to? A Around town and worked awhile until I got ready to come to the Rio Grande.
Q Then where di you go? A I come to the Rio Grande.
Q Then you stayed as I understand, 5 or 6 years with the Governor of Chihuahua, then about 15 months with different people for whom you worked, then about a month or two befire you went to the Rio Grande, that made all told about 18 months? A I left my family and come to the Rio Grande and worked there about 18 months and sent money back to my people.
Q How did you send it back? A I went over across the river to the merchant and he sent it back to them.
Q And from the 5 or 6 years that you stayed with the Governor of Chihuahua, then the other time, 15 months, and then some two or three months added to it, would make it in all 7 1/2 year all told that you stayed in Mexico, wasn't it? A I stayed in Mexico I expect something near 8 years, the first child growed to be that high (indicating) right on the Mexican ranch, and the next one got up to be a good sizelad, and the next boy, he is here now, he was about 6 months old before I left Mexico, the last one.
Q Which one is that? A Burrell.
Q Then how old is he? A I don't know exactly.
Q He is given in to be here in 1901, Burrell's age was given in as 30 years of age, is that about correct? A We just made a guess at the ages.
Q Was that your best judgment under oath at that time? A Yes sir
Q Now then this boy was about 6 months old when you left Mexico?
A I think so.
Q Then if he was born in 1871 you left Mexico about 1872, the latter part of '71 or '72? A I can't say, I don't know, I can't read.
Q You know his age was about 6 months old when you left there?
A Yes sir and when we got here, the first roll was the Wallace Roll and we just guessed at the age, I don't know my own age unless I go to Tahlequah.
Q This card here, R-390, gives your boy, Burrell H. Daniels, age as being 30, and this is dated December 17, 1901, do you think that is as near as you know correct? A I don't know, it might be just about it.
Q Have you any children born since Burrell H. was born? A Yes sir, Lizzie and Mack were born.
Q Where was Lizzie born? A She was born at Hill's ranch.
Q Where is that? A The last place I stayed before I come here.
Q Where was Mack born? A In San Antonio.
Q Is he alive? A Yes sir he is here in town.
Q Mack's age was given in 1901 as found upon R Card 392, as being 25 years old; do you think that is about correct then? A Mack is older than Lizzie.
Q I have not mentioned Lizzie's age, I said ~~xxx~~ Mack was given as 25 years old in 1901, is that correct? A I don't know.
Q But you know you were there in San Antonio when Mack was born?
A Mack was born in San Antonio and Lizzie was born on Mr. Johnsons ranch before I left there.
Q Is Lizzie a year older than Mack? A No sir.
Q Which is the older Lizzie or Mack? A Mack, he was born in San Antonio before we ever whet x to Johnson's ranch.
Q How many children did you have born in the state of Texas?
A Three I guess.

Q What are their names? A Lizzie and Mack and Robert.
Q About how old was Robert when you left there to come to the Cherokee Nation? A He was just a little kid, I don't know just exactly, how old, just a little child.
Q About how old was he? A I couldn't tell you to save my life.
Q Was he a baby two years old or three? A Just getting so he could talk, just learning to talk.
Q Do you think he was a year old or two years old. A He x was a yesr old.
Q Do you know whether he was two years old? A I don't know whether he was two years old or not.
Q According to this card Robert was born in 1881 then that would make you come here about 1883, is that about correct? A I don't know unless I could read, I couldn't tell.
Q Now then according to your statement you stayed in Mexico between 7 and 8 years so you came to Texas in 1872 or '73, now then according to your own statements you lived in Texas from 10 ~~xx~~ to 12 years? A No sir, I don't know.
Q Now if you come there in 1872 which is the best we can get at it from your own statements, where did you live the first year? A I lived the first year in San Antonio.
Q Now what did you do? A Worked around on the streets.
Q What did you get there? A I got enough to keep my family living, we paid house rent, yes sir.
Q How old was your oldest boy then? A I hired them out around the hotels.
Q How old was your oldest one? A I don't know exactly how old he was.
Q How old was your oldest boy when the war came up? A Big enough to drive cattle.
Q Now then 12 years after that they were up nearly grown then were they? A I hired them out as little boys and got the money.
Q How long did you live at San Antonio? A Lived there a year and went from there to Mr. Johnson.
Q Where did he live from there? A About 25 miles.
Q What did you do out there? A Farm.
Q Did you farm on the shares? A On halfers.
Q How long did you farm for Mr. Johnson? A Two years.
Q Where di you go from there? a Back to San Antomio.
Q What did you do in San Antonio then? A I worked around there until I got money to leave.
Q How long did you stay there? A Around there two or three ~~xxx~~ months.
Q Where did you go from San Antonio then? A The excursion left there and I came to Wimer, Texas.
Q How long did you stay in Wimer, Texas? A Two years.
Q What did you do there? A I farmed.
Q Then where di you go to? A I came to the nation.
Q That don't tally with the number of years? A No wonder I stayed in Mexico so long I couldn't tell how long I stayed in Mexico.
Mr . Blue: I object to this, witness states that he does not know, and it is shown here and he has answered that I expect 20 times that he did not know, I object to this method of examining the witness, and I think it is not necessary to ask an old man 25 or 30 times, it does not seem to me to be lawyer like.
Q When was the forst child you had born in Mexico? A Elmira was the first one.
Q She was born in Mexico was she? A Yes sir.

Q What is her name now? A Elmira Daniels I guess?
Q Is she living? A No sir she is dead.
Q What is the next one? A Ruthie.
Q Did he die there? A Yes sir she died there.
Q What was your next child? Burrell H. was born in the City of Chihuahua.
Q You come to Texas about 6 months after Burrell H. was born?
A I don't know.
Q Ain't that what you testified to awhile ago? A I don't recollect how old was he.
Q What did you tell me awhile ago? A I told you he was born in Chihuahua.
Q I asked you how old he was when you went to Texas you said he was born in Mexico, now how old was he when you left Mexico and went over into Texas to San Antonio. Didn't you testify awhile ago that when you went over into Texas he was 6 months old? A He may have been and may be been older.
Q Is that your best judgment? A Yes sir.
Q When was your first child born after you got over into Texas?

Mr Blue: I object to that for the reason that that must be about 6 or 8 times since that question was asked.

Q When was the first child born in Texas after you come from Mexico?
Mr. Blue: In same objection as above.
A Mack was the first child born after I left Mexico.
Q He was born over there in Texas was he? A Yes sir.
Q The attorneys over here---you never did get act admitting you over here did you? A They made a bill and all signed it but the full pieces.
Q You never got any copy of the bill to file here did you? A They said they were going to give me a record.
Q Who said that? A All of them in Council.
Q Who did you see there? A All of the men in the Senate where I went and made application.
Q Did they give a copy of the bill admitting you? A No sir they didn't admit me but said they were going to do it.
Q They never voted to admit you did they? A I don't know anything about the voting, they sent me a letter to come over there and put me on the Clifton Roll and you were there and saw that done.
Q Butler testified that you came back here in 1884? A I don't know, I was out doors when he made the talk.
Q You know he never testified to anything except your return?
A I don't know about that.
Q Was this man Lindsey present when you singed that contract?
A He was right there.
Q He heard Col. Bryant threaten to kill you down there did he?
A Yes sir.
Q Did he sign the paper as a witness? A I don't know what he done Bryant taken us and carried the paper in to the tent, I don't know what he did/
Q Did they have a paper over there in the Court in Mexico when the matter was tried. Did they have this paper over there in Mexico when Mr. Bryant had you up there? A Yes sir, had sold 7 niggers.
Q I mean this contract that you signed with him, did he have that over there? A Must have had it, I don't know whether he had it in court or not, he had it.
Q How many cattle do you say they drove across Texas into the Mexican side? A They claimed there was 1500.
Q These men that went along with Col.Bryant were not soldiers, but

it was customary for everybody to be armed? A They were Mr. Bryant's soldiers, never quit him.
Q Did they march along all the time as a company of soldiers?
A Yes sir.
Q Then you don't know what year you left Mexico do you? A No sir.
Q You don't know what year this is? A No sir, I stayed there a long time, have to sum it up, I stayed I guess 10 years down there.

BY MR. BLUE:
Q Do you read and write? A No sir.
Q Can you sign your own name? A No sir.
Q Have you ever been able to read or write or sign you own name?
A No sir.
Q Now when this Mexican Governor took you and paid Col. Bryant $113.00 from that time on did he make any statement to you of how much you had earned or how much his account was? A No sir only told me to come to the ranch and work he would give me $6.00 per month.
Q Did you take your family with you? A Yes sir.
Q Did you ever work out there for him? A Yes sir.
Q Did he ever make any statement to you about how much principal and interest amount to and how much he owed you? A Never did.
Q And when this Jew come along he got $250.00 from him? A Yes sir.
Q Do you know how long you had been with the Governor when the Jew came along? A Something near 6 years.
Q Then you worked you think how long for the Jew merchant? A I think about 15 months until I worked out $250.00 at $16.00 a month.
Q That was for yourself and wife? A Yes sir, got $8.00 a piece.
Q And you think that was about 15 months? A Yes sir.
Q Then you stayed there 3 months more to get something to go away on that would make 18 months? A Yes sir.
Q Then you went over the line and worked there 18 months? A Yes sir I went on a sheep ranch and worked there about a year.
Q Who was that for? A The Mexican Governor.
Q That was in addition to the time before stated you worked for him? A Yes sir he took me off of the ranch and put me on a sheep ranch one year.
Q That would be 6 or 7 years you worked for him? A I would not be surprized if it wasn't 8 or 9 years.
Q Then you don't know how long you were over there? A I don't know, after staying there so long, I had a little girl by the name of Elmira that died there, she was 6 I think when she died.
Q You spoke about having gone over to Tahlequah to council, Mr. Hastings was asking you about a man that testified for you over there, did you meet him at Tahlequah? A No sir I met him at Gibson, he went on and on and said for me to come on and tell them what I knew about it.
Q You came back first to Muskogee then went over in the Cherokee Nation? A Yes sir.
Q When did you see Butler after that time? A I come here and went down where I found mother and stayed one year until next fall, and then I saw Mr. Butler.
Q You had been here then one year or a little more when you went to Tahlequah? A Yes sir.
Q And when you got there you found Mr. Bushyhead was Chief? A Yes sir.
Q Did you tell Butler when you come back? A Yes sir.

Q Then you mean that it had been about a year from the time you landed here or a little more when you saw Butler over there? A Yes sir.

BY THE COMMISSION:
Q When you started to Mexico with Col Bryant at the close of the war how many children did you have? A Lets see, I had Lewis, Abraham, Tom, Nancy, Burrell.
Q You had those children before you started to Mexico? A Yes sir before I started from there back.
Q Now I am talking about the children you had before you went there? A I had Lewis, Abraham, Tom, Nancy and Andy.
Q You had those children before you went to Mexico? A Yes sir.
Q You say you started down to Mexico with Col. Bryant at the close of the war? A Yes sir.
Q How many children did you have when you started down there?
A I had Lewis, Abraham, Tom, Nancy, and Andy.
Q How many of those children are living now? A Lewis is dead and Nancy, and Abe, I don't know where he is.
Q Did you leave Abe in Mexico? A Left him in San Antonio.
Q What children were born in Mexico? A Burrell was born there. the others died and were buried there.
Q Gove me their names? A Elmira, Ruthie, Burrell was the next .
Q After you came back to Texas how many children were born to you?
A Mack and Lizzie and Robert. Mack was twins, his mate died after he was born, then next Lizzie was born and then Robert after her. That was all born in Texas.
Q You haven't had a child born to you in the Cherokee Nation since the close of the war have you? A No sir.
Q Is your wife Miranda living? A No sir she is dead/
Q When did she die? A I August, 1903, I think.
Q Is Robert living? A Yes sir.
Q What about Thomas? A He is here.
Q And Mary, his daughter? A She is here.
Q And Louella, his daughter? A She is here.
Q What about the grand-daughter, is she living? A Yes sir.
Q Is your son Andy Daniels living? A Yes sir.
Q Where? A About a mile above me on Caney River.
Q Is his children all living? A Yes sir.
Q Do you know whether all of these are living or not, Millie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth? A Yes sir, they are all living.
Q Is Lizzie Shafer living, your daughter? A Yes sir.
Q Has she a child called Arlena? A Yes sir.
Q Is that child living? A Yes sir she has got three more now.
Q What about Mack, is he living? A Yes sir.
Q Has he a child called Mady? A Yes sir.
Q Have you a child called Lizzie Haynes? A Yes sir, that is my daughter.
Q Has she two sons, Burrell and Amos living? A Yes sir.
Q What about Mary Hill, she your child? A Yes sir.
Q Has she got two children, Alice and Adam? A Yes sir they are living.
Q What about Burrell H., is he living? A Yes sir.
Q Are all these children and dgrand-children of yours living in the Cherokee Nation for the last 4 or 5 years? A Yes sir, it has been longer than that, for the last 10 or 15 years.
Q All of them? A Yes sir, all that is living, all the oldest ones.
Q They have always made their home in the Cherokee Nation during the last 10 or 15 years? A Yes sir.

BY MR. HASTINGS:
Q What is Thomas Daniels wife name A Her name is Priscilla.
Q Where did he marry her? A When we come to Fake County,Texas.
Q What is his oldest child's name? A I have forgetten the oldest child's name, it is dead.
Q How long, was it named Mary? A Mary is here.
Q Did he have one older than Mary? A Yes sir, I I think so.
Q Where did that child die? A I think he said she had one child died, I left him at Fake County.
Q Where was Mary born? A She was born in Fake County.
Q Where was Louella born? A In Fake County, all born in Fake County.
Q Then Tom Daniels and his family came up here 5 or 6 years ago?
A Tom came before they did and stayed a year or so and then went back and got them.
Q Then he didn't bring his family until 5 or 6 years ago? A No sir he didn't.
Q Whose daughter is Julia? A Mary's daughter.
Q Where was she born? A Up on Caney River.
Q Is her mother a State woman? A I think so.
Q They don't claim through their mother, Thomas's wife? A No sir she died before he left Texas.
Q When did Tom first come here himself? A I couldn't exactly tell you, Tom was here before the Creek payment.
Q Before that payment of 1897, the Kerns-Clifton payment? A Yes sir before that.
Q Had his family come then? A No sir left his family.
Q About how long after that payment which was in 1897 before this family come? A He come here 5 or 6 months before the payment.
Q You said he come but not his family?, how long after that before his family come? A It was after the payment sometime.
Q Well how many years afterwards? A I don't know how many years after.
Q Well your best judgment? A I Couldn't tell you to save my life exactly how many years after, it was.
Q Has he been here two years I mean with his family? A Yes sir he was here before the payment.
Q How many years had he been here with hid family? A He went back after the payment and got his family.
Q How many years after the payment before he brought his family here? A I don't know, it may have been 3 or 4 months, or 5 or 6 months.
Q Where did Andrew Daniels marry? A He married a year I left Texas.
Q Who did he marry, some colored girl in Texas? A Yes sir.
Q He don't claim for these children there with him? A I don't know
Q Does Andrew's wife claim citizenship here by virtue of her being a slave of a Cherokee citizen? A She don't claim to be a citizen only by marriage.
Q Where was their oldest son Willie born? A After they got here.
Q Did he and his wife come here when you and your folks come?
A Come with me.

BY THE COMMISSION:
Q Do you know the husband of Lizzie Haynes and the father of the children, he is a state man is he? A Yes sir.
Q Do you know Mary Hill's husband? A Yes sir.
Q Is he a state man? A Yes sir.

Q He doesn't claim any rights as a Cherokee freedman? A No sir.
Q Do you know the father of Julia Daniels? A A state man named Dickson.
Q Do you know Mack Daniels wife? A Yes sir, she is a State woman.
Q Do you know the husband of Lizzie Shafer? is he a state man?
A Yes sir, but his mother claimed he has a right, she claims he was put on the roll, I don't know.
Q Is Shafer here to-day? A No sir.
Q This Dora Daniels, the wife of Andy Daniels, and the mother of the children on card 395 is a Texas State woman? A Yes sir.

W I T N E S S E X C U S E D.

TOM DANIELS, being duly sworn, testified as follows:

BY MR: BLUE:
Q What is your name? A Tom Daniels.
Q What relation are you to Burrell Daniels, who has just testified? A He is my father.
Q Do you know your age Tom? A No sir, I don't.
Q Do you know about how old you are? A I have an idea I am somewhere in the neighborhood of 50.
Q Do you know Col. Bryant? A Yes sir, I did.
Q If you recollect, where did you first see him? A When I first opened my eyes to look at the gentlemen is when I was on the way to old Mexico. He used to make me sit and fan the flies off of him while he was asleep.
Q You remember him then do you? A Yes sir you bet I do.
Q Do you remember anything about where you started to go to old Mexico? A We started from some plantation in the Cherokee Nation,, I don't remember exactly where it was.
Q Do you remember anything about being in the Choctaw Nation about that time? A No sir I don't recollect about the Choctaw Nation.
Q If you remember, about where were you on your way to old Mexico when you first remember Col. Bryant, if you can fix any particular place, do so? A I remember of being on the road but I can't place just exactly where it was, we were camped you know.
Q Do you remember how you travelled on that trip to old Mexico?
Q Yes sir we travelled, it was in a train of wagons.
Q How did you yourself travel? A I was in a wagon.
Q Were there any horsemen that accompanied the party? A I think there was a committee along, they stayed to keep the Indians off of them they said going across the plains to Mexico.
Q Do you remember much about that? A No sir I don't remember so much about it.
Q Do you remember any place in that route by the name of Fort Stockton? A Yes sir, I remember Fort Stockton, Fort Clarke, and Fort Davis.
Q Were those palces on the route to Mexico that you travelled?
A Yes sir.
Q Were you large enough at that time to ride a horse? A I don't exactly remember whether I was or not, I might have been.
Q Do you remember being in old Mexico? A Yes sir I do.
Q At what place in old Mexico do you first remember? A Chihuahua.
Q Do you remember any other place that you lived in Mexico? A Yes sir, we were at out on a sheep ranch for several years, I was a great big boy when we left there.

Q About what size boy were you when you left the sheep ranch? A I was a great big boy, about a half grown boy.
Q Do you remember of returning to ~~Mexico~~ Texas from old Mexico? A Yes sir I do.
Q To what place did you return in Texas when you left old Mexico?
A The first place was San Antonio, Texas.
Q About what size boy were you when you got there? A I ought to have been a good size child.
Q Do you remember about that? A Yes sir.
Q What did you do after you came to San Antonio? A I worked around my father would keep me hired out first one place then another, working for a salary until he left there, didn't stay there very long.
Q Do you remember whether or not you left there with him? A Yes sir I did.
Q To what place did you go with him? A Out west of San Antonio to some man's ranch they called Johnson.
Q How long did you remain there? A About two or three years, somewhere along there.
Q Did you live there with him? A Yes sir, I did.
Q To what place did you go then? A We went back to San Antonio after that.
Q How long did you remain at San Antonio after that? A I ~~xxxxx~~ stay there no time, I went south.
Q To what place? A I was down there way below Wimer, down to a place they called,-- I forget now the name of the place.
Q Where did you leave the old gentlemen when you separated from him? A In San Antonio.
Q After you left him there how long was it before you saw him again? A I don't know but I was working for a man named Hill when he moved up there.
Q Where did you next see your father after you separated from him at San Antonio? A I come to see him once before he left there to come to the nation.
Q Do you remember where you saw him at the last time before he came to the Nation? A Yes sir.
Q Where was he? A On the Hill farm.
Q Where was that? A In Texas.
Q Near what town? A Wimer, Texas.
Q Did you remain there with him? A No sir I didn't I went off.
Q After you saw him at that ranch there in the neighborhood of Wimer, Texas, where did you next see him? A I saw him here.
Q At what place? A Up here on Caney River.
Q In what Nation? A ~~xxxxxx~~ Cooweescoowee District;Cherokee Nation.
Q When was that? A That has been several years ago.
Q Had you moved up here then? A Yes sir I had moved, I didn't know where they were until--
Q Where were you living at that time? A Way below Wimer on a placed they called Navidad.
Q Did you bring your family up here with you when you came thet time? A I brought two children along.
Q Did you leave them here or not? A They are here.
Q With whom did you leave them here in the Cherokee Nation? A I left them with my father.
Q What did you do after you came up here and left those children?
A I helped the old man farm and worked around first one place then another.
Q Did you go back to Wimer again? A Yes sir, after I brought my children up here see.
Q Were you up here before you brought any children up here,yourself? A Yes sir.

Q How longbefore you brought these two children up? A I was up here a month or so, I guess it was longer than that.
Q Were you up here at the time of any payment? A Yes sir, I was.
Q What payment was that? A It was the payment that was paid off up here at Lightening Creek.
Q Were you here before that time? A Yes sir.
Q How long? A Three or four months I expect.
Q How soon after that payment was it you turned back to the neighborhood of Weimer, Texas? A I went right away as quick as I could get a little money together and went down there to get my children, when I first come up here I come to see where my people were, I was considered lost from them.
Q Having found them here, you say you returned to the neighborhood of Weimer, Texas, then what did you do? A I didn't do anything but go right down there and get those children and come right back.
Q Were those all the children you had? A Yes sir.
Q Was your wife living at that time? A. ~~Yes sir~~No sir she wasdead
Q Was she a State woman or freedman? A State woman.
Q Have you since that time married again? A No sir.
Q What are your children's names? A One is named Louella, and one named Mary.
Q About what time did you come back to the Cherokee Nation with those children? A Kinder long up in the year I guess.
Q You mean in about the same tim in the year you were up to see your father at the time of the payment? A Yes sir.
Q Where have you resided since you brought those children up to the Cherokee Nation? A At my father's and down here at a fellow---
Q Have you resided in the Cherokee Nation since you brought those children up here? A Yes sir.

Commission: The Lightening Creek Payment referred to by the witness is the Kern-Clifton pay roll.

Q What is your recollection about the date of that payment, do you remember what year it was in? A I think it was between 7 and 8 years ago.
Q During the time you resided in Texas after your return to Mexico did you become a citizen of Texas? A In what way?.
Q Did you keep a home in Texas to which you intended to reside?
A No sir, it was my father's talk after he got away from Mexico he would lay down and talk about going to come home and get up a talking about wanting to come home.
Q Where did you intend to return to? A I calimed my home right where I heard my parents talking about, and that was in the Cherokee Nation.
Q What purpose did you have in coming up here the time you first came? A I come to see where my people were, they left me and I didn't have any trace of any of them to know where they were, and I just got on the track of them travelling, there was a boy stayed down here at Checotah named William Johnson he got acquainted with my father, when he stayed down here, and he was the one that told me where my people were you know, and if He hadn't told me I don't know as I would have known yet where they were.
Q Were you ever at any time naturalized and made a citizen of Texas or any other state? A No sir.
Q During the time in Mexico, did you become a citizen over there?
A No sir.
Q About how old were you when you left Mexico? A I guess I was about 12 or 13 years old, maybe 14.
Q Have you any judgment as to what your age was at that time? A No sir.

Q How old do you think you are now? A I think I am pretty close to 50 if I aint already 50, our father don't know much about our age causa he never kept no record of nothing.

BY MR. HASTINGS:
Q Your best judgment is that you were 12 or 13 years old when you left Mexico and went to Texas after the war? A Yes sir.
Q And you think you are about 50 now? A Right at 50.
Q Where were you married Tom? A I was married down in Texas.
Q At what town? A I was married near La Grange, Texas.
Q Were you living on a farm or in town? A On a farm.
Q Were you living with your parents then? A No sir.
Q About how old were you when you were married? A I don't know I ought to have been very near grown when I married.
Q What was your oldest child's name, didn't you have one to die?
A Its name was Aleck.
Q Where was he bron? A In Texas.
Q Near what place? A Near Weimer, Texas.
Q About 8 or 9 miles of Weimer? A Yes sir.
Q What were you doing out there? A Farming.
Q For whom? A I don't know the man's name.
Q Where was Mary born? A She was born in about 8 or 10 miles of Weimer.
Q Where was Louella born? A Not very far from the same place.
Q What was the first President you ever voted for, Grant? A If I voted at all I guess I voted for Grant.
Q What Congressman did you vote for down there? A I don't know sir.
Q What Governor did you vote for? A I guess I voted for the Governor of Texas if I voted for any.
Q Did you vote in a town? A No sir out in the country.
Q You voted in the country precinct then did you? A Yes sir.
Q Good many colored people in your vicinity? A Yes sir.
Q Did they have a colored precinct? A Yes sir.
Q And you went to this to vote? A I don't exactly know the meaning of precinct.
Q The place to cast your vote, you went to vote did you? A Yes sir.
Q How long did you vote down there until you came here in 1897?
A Yes sir.
Q You never voted in town because you didn't live in any of them?
A No sir never lived there.
Q Lived in the country all the time? A Yes sir.
Q Nexer did refuse you any right to vote just like anybody else?
A No sir they claimed that after a man was of age and in the country a certain limit of time he was allowed to vote.
Q Your vote never was challenged then? A No sir.
Q The first time you ever came here was during that payment in 1897? A Yes sir.
Q You never had been here before only when you were a baby? A I hadn't been here since I was carried off by Joel Bryant.
Q That was during the Lightening Creek payment in 1897? A I was here before the payment.
Q How long before the payment? A 5 or 6 months before the payment.
Q Were Kern-Clifton making a roll when you come? A That is what I heard.
Q Did you go before the Commission and ask to be enrolled? A No sir.
Q Did it close before you come? A Yes sir.

Q Did you come before the payment? A Yes sir.
Q Did you go before or after that payment? A I come before the payment.
Q I am trying to find out how long before the payment, the payment made out there at Lightening Creek? A About 5 or 6 months before the payment.
Q Where was your wife? A She was dead.
Q Where did she die? A She had been dead several years.
Q Where were your children after your wife's death? A I kept them with me.
Q You never remarried? A Yes sir.
Q Did you marry the second time in Texas? A Yes sir.
Q Your wife and these children were still in Texas when you come up here just before the payment? A Yes sir.
Q And you never brought her or these children up here until after the payment? A No sir.

BY MR. BLUE:
Q About how long were you in old Mexico all together? A To my best recollection it seems to me that we ought to have been in old Mexico about 8 or 10 years I think.
Q If you were there 8 or 10 years how old were you when you went into old Mexico? A I guess two or three years old.
Q How old? A 3 or 4 or 5 years old.
Q You were big enough to keep the flies off of the old Colonel when you were going down there? A Yes sir.
Q What is your best judgment as to how old you were when you got into Mexico? A I think I was between 5 and 6 years old.
Q You say you did vote sometimes in Texas? A Yes sir.
Q About how many years had you been in Texas before you voted, do you remember? A I was in Texas several years before I voted.
Q Do you remember the month in which you returned with your wife and children? A No sir, I don't.
Q Do you remember what season of the year it was when you came back with them? A Yes sir, it was along in the spring of the year.
Q In crop time? A Yes sir.
QQ Did you make a crop that year in the Cherokee country after you come up? A No sir I didn't make any crop, I helped the old man to make a crop at home, my best remembrance I think it must have been along this time when I come back.
Q Along the latter part of May or first of June? A Yes sir.

BY THE COMMISSION:
Q How many years before you came up to the Cherokee Nation in 1897 did you see your father? A About 15 years to my best judgment.
Q And where was your father living at the time you saw him? A In Cooweescoowee District up here in the Cherokee Nation.
Q I am talking about down in Texas the last time you saw him?
A On the Hill farm.
Q Was that near Weimer oe near San Antonio? A Near Weimer.
Q At that time you had a home of your own, you were married at that time? A Yes sir.
Q You were not living with your father? A No sir.
Q How far from his home were you living at that time? A About 15 or 20 miles.

W I T N E S S EXCUSED.

ANDY DANIELS, being first duly sworn testified as follows:

BY MR: BULGER:

Q What is your name? A Andy Daniels.
Q Are you some relation to Burrell Daniels? A I am his son.
Q Where were you born Andy? A I was bron somewhere about Doaksville.
Q Where is that? A Somewhere on Red River in the Choctaw Nation.
Q How old are you now about? A I think I am about 41.
Q Where were you when you can first recollect? A I was in Mexico.
Q What part of Mexico? A I couldn't tell you, I have heard.
Q In a town were you? A Yes sir.
Q How long did you stay in that town until you left it? A I was quite small but that time I couldn't really give; I guess it was somewhere along about 5 or 6 years.
Q Where did you go from that town? A To San Antonio.
Q Do you recollect distinctly of arriving in San Antoinio? A Yes sir.
Q About what age were you then, how large a boy? A I was getting to be a pretty good size boy I guess.
Q About how old, give your best judgment? A About 10 years old.
Q What did you do, or did you do anything in San Antonio in the way of work? A I commenced working around there in a hotel a little
Q What did you do in the hotel? A Wash dishes.
Q How ,long did you wash dishes in a hotel in San Antonio? A I don't know, not very long.
Q Were you living with your father and mother at that time? A Yes sir, they hired me out.
Q When did you leave San Antonio, and how long after you had been there did you leave the place? A To my best judgment I think we had been there about a year.
Q Where did you go? A Went out west.
Q How far west? A I don't know, 25 miles.
Q Did your family move out with you? A My mother and father went out there.
Q What did you do out there, your mother and father and you? A My father rented a farm there from a Mr. Johnson.
Q How long did you farm for Mr. Johnson? A We made two crops for him.
Q Where did you go from Johnson's? A We come back to San Antonio.
Q Then how long did you stay in San Antonio? A I don't think we stayed there much over a year, I think we left there a long in the fall.
Q Where did you start for? A I couldn't hardly tell you, I was pretty young then.
Q Did you go away with the family from San Antonio? A No sir.
Q Where did you go? A I got around there among the boys and stopped there.
Q Did the family leave you? A Yes sir.
Q And when did you next see the family? A It must have been about a year before I saw them.
Q Where did you see them at that time? A There on Hill's place.
Q Where is that place? A On Colorado River close to Weimer, Texas.
Q Did you go down to your parents? A Yes sir.
Q How long did you remain there? A I think I made a crop there, rented a little ~~[illegible]~~ piece of ground and he furnished me a yoke of cattle and I worked for myself and gather it and I left them there that fall.

Q About how old were you at this time? A I don't know.
Q Were you a grown man? A I don't know.
Q What is your best judgment of your age at that time? A About 19 years old.
Q Did you go some place from that Hill farm? A Yes sir, came up here.
Q Do you remember what year you come here in? A No sir.
Q What nation did you come to? A We come to the Cherokee Nation, landed here in Muskogee and there was a fellow that used to live here by the name of Tom Windy, and we had enough money to pay him to haul us down to Nivens Valley, my grandmother lived down there.
Q Have you lived in the Cherokee Nation continuously since your return? A Yes sir.
Q When you were in Texas did you ever hear your father and mother speak about coming back to the Cherokee Nation? A Yes sir, I have heard them talking lots of time.
Q What would they say? A I have heard the old lady talking about Grand Prairie and naming different places here in the Cherokee Nation, how they used to travel and how bad they wanted to come back.
Q Have you any recollection about the date when you arrived in the Cherokee Nation? A No sir.

BY MR. HASTINGS:
Q You don't know what year you come here in? A No sir I don't.
Q You don't know what year this is? A Well I guess I do.
Q Well tell it? A Looking at the almanac I suppose it would be about 1905.
Q Do you know how old you were when you come here? A No sir.
Q Were you about 21? A No sir, I was somewhere along about 19 when I come here.
Q Do you know? A No sir don't know that hardly.
Q Well did Tom come then? A No sir.
Q When did Tom first come? A He came sometime since then.
Q About what year did he come? A He has been in here 4 or 5 years I guess, as well as I can remember.
Q Do you know about how old young Burrell H. Daniels is? A I don't know sir.
Q What is your best judgment? A I couldn't tell you cause I dont remember when he was born.
Q Do you know where he was born? A He was born in Mexico.
Q Do you know how old he was when you left Mexico, and came over to Texas? A I don't know.
Q Was he a baby? A Yes sir, a pretty good sixe baby, about 6 or 7 years old I guess, or a little over.
Q When you left Mexico and come to Texas? A When we left Mexico and come to San Antonio.
Q Burrell was 6 or 7 years old? A I guess he was, I don't know when he was born.
Q If your father states he was 6 months old, he is mistaken? A I don't know, I was just guessing at it.
Q Where was Lizzie born? A She was born out there at Johnson's.
Q In Texas? A Yes sir, out west of San Antonio.
Q Where was Mack born? A In San Antonio.
Q Where was Lizzie Haynes born? A I think she was born out at Johnston's too.
Q Where was Mary Hill born? A In San Antonio.
Q How old do you say that Lizzie Shafer is? A I don't know sir how old she is.
Q Got no idea at all? A No sir.

Q Do you know how old Lizzie Haynes is? A No sir, I don't.
Q Got no idea, none at all? A No sir.
Q But you know that Mack and Mary and Lizzie Haynes and Lizzie Shafer, those four were born in Texas weren't they? A Yes sir.
Q Did any children die who were born in Texas to your father and mother? A There was my oldest sister died there in San Antonio.
Q Any that was born in Texas, was she born in Texas? A No sir she was born in the Nation.
Q Before the war? A I don't know when it was.
Q You were born in the Cherokee Nation but you never was in the Cherokee Nation until you were 19 or 20 years old? A Well I suppose that was my age.
Q You never was here before that? A No sir.

BY THE COMMISSION:
Q Did you go with your father to the Cherokee Nation? A Yes sir
Q Who was in that party? A Mary, Mack and Robert, they all came up withhim excepting Tom.
Q Tom and his family? A Yes sir.
Q Did your mother come? A Yes sir.
Q What was your wife's name? A Dora Daniels.
Q Is she a State woman? A Yes sir.
Q You married her in Texas did you? A Yes sir.
Q Did your wife, Dora, come with you and the children? A Yes sir.
Q How many children come with you to the Cherokee Nation? A None
Q Alll born in the Cherokee Nation? A Yes sir.
Q How long were you married before you come to the Cherokee Nation?
A Just as soon as we got the crop gathered.
Q Are these children all living? All living.
Q Your wife doesn't claim any rights as a Cherokee freedman, does she? No sir.
Q Whatever rights they claim, they claim through you? A Yes sir.

BY MR. BULGER:
Q Why did you and your father and his family come to the Cherokee Nation when you did come? A He made a kinder of a come out that year with a little money so we could travel.
Q Why had you not come before that time? A Never had been able to, never had had enough to travel any distance, all we could do was to live.
Q How did you happen to come out with more money that year? A I think they made different arrangements in raising the crop and had pretty good luck that year with the crops.

BY THE COMMISSION:
Q Did you always stay with your parents up until the time you were married? A All excepting that year I stopped off in San Antonio.
Q Were you living with your father when you married? A Yes sir
Q You and your wife stayed on that same farm with your father?
A Not exactly on that farm, but on the same man's farm.

W I T N E S S E X C U S E D.

JOHN CROSS, being duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A John Cross.

Q Where do you live? A 8 miles east of Fort Gibson.
Q How old are you? A I suppose I must be about 60 years old.
Q What is your business or occupation? A Farming.
Q How long have you been farming? A I have been farming all my days.
Q In what country and states have you farmed? A I farmed in Texas the first of my farming was done in Texas.
Q How long did you farm in Texas? A I really don't know just exactly how long I couldn't just get at it, just how long, but it was quite awhile.
Q Did you own a farm in Texas of your own? A No sir.
Q How did you farm? A I worked on the halfers.
Q What do you mean by working on the halfers? A I mean they furnished everything and give me half of the crop, and I would get rations from a commissary, and they get their pay for it out of my part of the crop.
Q To whom did the commissary belong? A To the boss of the place.
Q Did you farm in the same neighborhood in Texas where Burrell Baniels did? A No sir.

W I T N E S S E X C U S E D.

BURRELL DANIELS RECALLED:

BY MR. BLUE:
Q During the time that you were in old Mexico as you have heretofor stated, did you, at any time, vote there? A No sir.
Q Did you take out any naturalization papers there and become a citizen there? A No sir, never did.
Q Have you ever at any time taken out any naturalization papers and become a citizen of any other state or country than the Cherokee Nation? A No sir.
Q Did you ever vote in Texas? A Never did/

BY MR. HASTINGS:
Q Never voted in the Cherokee Nation did you? A Don't know as I ever voted there either.

BY THE COMMISSION:
Q You testified that at Fort Stockton there were several Cherokee slaves there, do you know whether any of them are living now besides those of your own family? A Yes sir, some of them left and went to El Paso.
Q Did any of them ever return to the Cherokee Nation? A Not as I know of, went to El Paso, most of them did.
Q I am asking about those slaves that were with you at Fort Stockton, not a one returned that you know of? A No sir.

W I T N E S S E X C U S E D.

A P P L I C A N T R E S T S.

R.W.LINDSEY RECALLED:

BY MR. HASTINGS:
Q You are the same witness that was on the stand in this case this

morning? A Yes sir.
Q Is it true that Burrell Daniels life was threatened or that he was compelled by Col. Bryant or any one acting in his behalf to start with him to old Mexico from the State of Texas after the war?

Mr. Blue: I object to that as being incompetent, immaterial, and irrelevant and is calling for a conclusion of this witness and not attempting to get any facts in the case.

A No sir nothing of the kind that I am aware of or ever heard tell of, everything was amicable.
Q Did Burrell Daniels desire to go with Col. Bryant to Mexico?
A Yes sir, he seemed that way.

Mr. Blue: I offer the same objections as above.

Q Was he advised that old Mexico was a free state and was that your understanding at that time? A I don't know what advice but it was understood that Mexico was a free state.
Q Was there any soldiers taken along with Col. Bryant to guard these people to keep them from running away? A No sir.
Q At Fort Stockton were the colored people lined up and compelled to sign agreements and was Burrell Daniels compelled under threat of having his life taken of signing that agreement to pay Col. Bryant for his transportation for himself and family over to old Mexico?
Mr. Blue: I offer the same objections as above.

Q If Burrell Daniels stated that, is that true?

Mr. Blue: Same objections.

A No sir.
Q Were any threats made against his life at that time?

Mr. Blue: Same objections.

A No sir.
Q The applicant just made a statement her to the effect that Col. Bryant got about 1500 head of cattle and drove them across there into old Mexico, I am frank to say that I don't see that that cuts much figure in this citizenship matter, but I want to ask you if that is true? A No sir.

Mr. Blue: I want to object to that for it contains a suggestion of the council, and sam reasons as above.

Mr. Hastings: In answer to the above objection council for the Cherokee Nation desire to state that this question is asked purely for the purpose of contradicting the other witness, and while it is upon an immaterial point, yet if this other witness would go so far as to make such an absolute false statement as the one he did make with reference to these cattle, it would be a tendency to show the Commission and the Secretary of the Interior of the false statement of this witness.

Mr. Blue: In reply I desire to say that it is wholly gratuitous for he cannot be impeached upon an immaterial question, and further than that the present witness is quite as impeachable as the other witness.

Q Did he have any cattle other than you said? A No sir, he had a few milk cows and some beef cattle.
Q And you say it is absolutely without foundation? A Yes sir, without foundation and false.
Q And you say it is absolutely without foundation and it is false that he was compelled to go to Mexico or compelled to sign this contract? A Yes sir.

Mr. Blue: I object to that, it is incompetent, immaterial, and irrelevant, is a leading question and I object to it on that ground.

Q Did Col. Bryant have any soldiers along with him at all? A As I said I thought there was 10 or 12 men that some 4 or 5 of them had belonged to some other command, I don't think there was but one man that belonged to his regiment.
Q And they just went along as a party? A Yes they knew him.
Q Did you hear any remark made by Col. Bryant to the effect that Burrell Daniels would be killed and the wolves would eat his bones if he didn't sign that paper at Fort Stockton? A No sir.
Q You were there when it was signed, witnessed it? A Yes sir.
Q You say that Burrell Daniels was given his discharge papers by Col. Bryant at that time? A Yes sir, before he signed the others.
Q Was he told that he was a free man at that time. A He says this is the first act ~~that~~ Burrell that you have done as a free man. There was me andafew of the members of Mr. Bryants family, and about two other men besides myse lf when it was going on.

BY MR. BLUE:
Q Was there any man of adult age that was along with you at that time that hadn't been in the Confederate army? A I don't think there was, there might have been.
Q The fact is that all of those men that were of sufficient age had been in the Confederate services and were all leaving the country because they didn't like to stay here with the Yankess? A Well I don't know.
Q You were leaving for that purpose? A He might have left for that purpose.
Q Your father-in-law and his four sons-in-law all of whom had been in the Confederate army were going to old Mexico? A Yes sir.
Q And Lieut? or Capt. Stewart was along? A Yes sir.
Q And these two officers of his regiment? A No sir,only one officer of his regiment Lieut. Thomas, and Dr. Powell belonged to Col. Bryant's regiment, Capt. Stewart belonged to the First Cherokee regiment.
Q He had some Confederate soldiers along with him? A I don't know whether you would call them soldiers or not.
Q And all these men including your father-in-law and his sons-in-law were along, were they? A Yes sir.
Q And Col. Bryant freed these people at Fort Stockton about 200 miles from any settlement? A Yes sir.
Q And they had no teams or anything of conveyance? A Yes sir.
Q Do you not think, Mr. Lindsey, that it was a very singular proceeding for the former master and owner of slaves at such a place as Fort Stockton, many miles from any settlement in a ~~country~~ comparatively desert country and without any means of conveyance or anything to subsist on until they could get to a settlement to go through the form of releasing them f rom slavery there, and then ask them to sign a contract to work for him in old Mexico until they could pay him a bill for carrying them from Texas over into old Mexico?

Mr. Hastings: Objected to because this question is purely a matter of argument and is not cross examination of any fact of its developement.

A From one aspect it would look to be peculiar, but I will state, as I have formerly stated that from the start from Warren, Texas, that with these people it was all entirely amicable and that there was no friction whatever at all existed between Col. Bryant and his slave, Burrell, that there was as mutual understanding as could be between master and slave.
Q Under this contract about which you have testified, which was agreed as I understand it that Burrell Daniels signed by his mark a contract agreeing to pay Col. Bryant $500.00 for conveying him and his family over to old Mexico from the starting point in Texas? A All is correct except the amount, I don't know about that, I don't remember the amount.
Q Were you present when this case was tried in the Mexican or French courts as they had there? A No sir.
Q Do you know anything as to the amount Col. Bryant claimed when he got to Mexico? A I do not know sir.
Q You say under that contract he enforced that contract against Burrell Daniels in Mexico and collected the money on it? A Yes sir
Q Now you have stated about some cattle, is it not a fact that Col. Bryant, before he started to old Mexico traded some slaves for some cattle? A Yes sir.
Q You know Mr. Baugh? A Yes sir.
Q How long have you known him? A About 51 years nearly.
Q If Mr. Baugh in his testimony stated that Capt. or Lieut. Stewart had a company of 15 or more men with him there, he was mistaken?

Mr. Hastings: I want to object to that because that is not his statement and the record will not show so, but the record will show that a number of men were along, but the record will not show that he had a company of men.

Q If Mr. Baugh did state in his testimony in this case today that there was a number of armed men along with this party with Lieut. or Capt. Stewart, in your trip to old Mexico, he was mistaken was he? A Yes there was a number of men along and armed, and Capt. Stewart was along but he had no command and did not act as commander, he was or had been a Captain and was called Captain.
Q If I understood you this morning you stated that all the party that was at Fort Stockton crossed over into old Mexico with you, am I right about that? A About making that statement, I don't remember but about all the party that was at Fort Stockton, not exactly all there was a few that came from Missouri, they joined us but didn't go on to Mexico.
Q Didn't you state this morning that all the party that was at Fort Stockton crossed over into old Mexico? A I don't know whether I did say it or not, I might have.
Q If Mr. Baugh stated on the stand that a part of the boys of the company that was along in that march from Texas to old Mexico, left it was incorrectly? A Yes sir.
Q There were some men along that didn't have any arms? A It is possible, there might have been there was a transent party along.
Q Did your party take any cattle into old Mexico with you? A No sir.

Q Did any parties join your party with some cattle after they started? A Yes sir.
Q Who were they? A Capt. Stewart, Major Hanlin, and man they called Johnson, and a young man called Roe, and Lieut. Thomas and Dr. Powell.
Q How many cattle did they have? A Something like 200 maybe a little more, or a little less.
Q Then after all there was a herd of cattle along there with you besides the cattle of Col. Bryant? A Yes sir.
Q You don't know how many head there was of them? A From my best recollectio n there was some 200 maybe more or less.
Q You don't swear to the exact number? A No sir I never counted them.
Q Wasn't Capt. Stewart and this man with you before they went back after those cattle? A No sir.

BY MR. HASTINGS:
Q Did Col. Bryant have anything to do with those cattle? A No sir.
Q What relation was that with Indians? A It was pretty good country for Indians, I recollect once where the Indians run off and left a place.
Q You people went armed as individuals but there was no company of soldiers? A Nothing of the kind.

BY MR. BLUE:
Q Where was that you jumped up these indians? A Up on the head of what they called Brady Creek.
Q How far was that from Fort Stockton? A Somewhere between 75 and 100 miles.
Q And that was the country in which Col. Bryant freed his slaves?
A Yes sir.
Q Did they have any arms to protect themselves? A I didn't see any.
Q No means of protection or nothing to eat? A I have answered that two or three times.

BY THE COMMISSION:
Q How far did you say Stockton was from Chihuahua? A I couldn't say exactly, about 400 miles.
Q How long did it take you to travel from Fort Stockton to that place? A We travelled at the rate of 15 or 20 miles per day, perhaps we were on the road 15 or 20 days.
Q Do you mean that was on the travelled route? A Yes sir.
Q How far as the crow flies, how far is it? A Perhaps I struck off a good deal, about 200 to 250 miles perhaps.
Q There was no rail roads at that time? A No sir.

W I T N E S S E X C U S E D.

BY THE COMMISSION:
As far as the evidence in this case is now closed, and the case is submitted on the record. By the mutual consent and stipulation of the parties the case will be written up and briefs

will be allowed to be filed by the representatives of the applicant, and the Cherokee Nation thirty days.

THIS CASE IS NOW CLOSED.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) George H. Lessley.

Subscribed and sworn to before me this 15th day of June, 1905.

(Signed) Edward Merrick.

Notary Public.

Nabelle Cohenour, being first duly swern, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a correct copy of the original transcript.

Nabelle Cohenour.

Subscribed and sworn to before me this 26th day of June, 1905.

Chas E Webster
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen, consolidating the applications of:

Burrell Daniels, et al.,	Cherokee	Freedman	R 40,
Thomas Daniels, et al.,	"	"	R 391,
Andrew Daniels, et al.,	"	"	R 395,
Burrell H. Daniels,	"	"	R 390,
Lizzie Haynes, et al.,	"	"	R 393,
Mack Daniels, et al.,	"	"	R 392,
Mary Hill, et al.,	"	"	R 394,
Lizzie Shafer, et al.,	"	"	R 396.

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D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Burrell Daniels for himself, his wife, Miranda Daniels, and minor son, Robert Daniels; by Thomas Daniels for himself and minor children, Mary and Louella Daniels, and minor grandchild, Julia Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Burrell H. Daniels for himself; by Lizzie Haynes for herself and minor child, Edward Haynes. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on January 29, 1902, of Amos Haynes, child of the applicant Lizzie Haynes; by Mack Daniels for himself and minor child, Mady Daniels; by Mary Hill for herself and minor child, Alice Hill. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on March 10, 1902, of Adran Hill, daughter of the applicant, Mary Hill; and by Lizzie Shafer for herself. Thereafter on June 4, 1902, there was filed with the Commission an affidavit showing the birth, on May 1, 1902, of Arlena Shafer, daughter of the applicant Lizzie Shafer.

THE RECORD FURTHER SHOWS: That, On January 18, 1904, the Commission rendered its decision herein, denying said applicants the right to enrollment as Cherokee freedmen; that on June 24, 1904 (Departmental letter I.T.D. 5040-04), said decision of the Commission was affirmed by the Department; and that, thereafter, on December 12, 1904, a motion for review was filed with the Department, on behalf of the applicants in this case, the same being submitted to the Assistant Attorney-General for his opinion thereon; that, on May 13, 1905, (Departmental letter I.T.D. 5330-05), the Department, in accordance with opinion of the Assistant Attorney-General, rendered May 9, 1905, rescinded its decision of June 24, 1904, and returned the record in this case with instructions to "institute a rehearing in the matter"; and that, on June 8, 1905, further proceedings in the matter of said application were had before the Commission at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as Cherokee Freedmen.

The following points in this case are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Burrell and Miranda Daniels, are the parents of Robert, Thomas, Andrew, Burrell H., and Mack Daniels, and Lizzie Haynes, nee Daniels, and Nancy Newton, nee Daniels, deceased; and that all the other applicants herein are descendants of certain of the above named persons, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(2) That the applicants, Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and that, after the close of said rebellion, the three applicants first above mentioned returned to the Indian Territory during the following years; Burrell and Miranda Daniels in 1884, and Thomas Daniels in 1897. The said Nancy Newton, nee Daniels, deceased, never returned to the Indian Territory, after the rebellion, she having died in Texas prior to the year 1884.

(3) That all the applicats herein except Burrell, Miranda and Thomas Daniels, were born since the commencement of the rebellion.

(4) That those applicants herein who were in being at the close of the rebellion, together with the said Nancy Newton, nee Daniels, deceased, were taken, by one Joel M. Bryant, from Texas to Mexico during the year 1865, where the said Burrell Daniels and his family remained until about the year 1872, when they removed to Texas and con-

tinuously lived therein till their return to the Indian Territory as above indicated.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Burrell and Miranda Daniels, with their family, voluntarily accompanied Joel N. Bryant and party from Texas to Mexico during the spring and summer of 1865; that they remained in Mexico till 1872, when they removed to Texas, became domiciled citizens of that state, and continuously lived therein till their removal to the Indian Territory during the years 1884 and 1887; and that none of the applicants herein have ever been admitted or readmitted to citizenship in the Cherokee nation.

And it is further considered that the evidence in this case shows that upon their return to the Indian Territory, after the rebellion, neither the applicants Burrell, Miranda and Thomas Daniels, nor the applicants herein claiming through them, nor those claiming through Nancy Newton, nee Daniels, deceased, established a residence in the Cherokee nation, but rather in the Creek Nation, where they continuously resided till subsequent to the year 1896.

None of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither of the applicants, Burrell, Miranda, or Thomas Daniels, nor Nancy Newton, nee Daniels, deceased, became domiciled citizens of the Cherokee Nation within the time specified by the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee nation et al., for the return of freedmen to the Cherokee nation; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

And it is further considered that, granting that those applicants herein born prior to the close of the rebellion, and the said Nancy Newton, nee Daniels, deceased, were, on or prior to February 11, 1867, domiciled citizens of the Cherokee Nation, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . : . . . . . ."

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IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Durrell Daniels, Miranda Daniels, Robert Daniels, Thomas Daniels, Mary Daniels, Louella Daniels, Julia Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Susie Daniels, Thomas Daniels, Durley Daniels, Rosie Daniels, Minnie Daniels, Miranda Daniels (daughter of Andrew Daniels), Ruth Daniels, Durrell H. Daniels, Lizzie Haynes, Edward Haynes, Amos Haynes, Mack Daniels, Nady Daniels, Mary Hill, Alice Hill, Adran Hill, Lizzie Shafer and Arlene Shafer, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,

this Sep 25 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Burrell Daniels et al.----------	Cherokee Freedmen R	40,
Andrew Daniels et al.----------	Cherokee Freedmen D	841,
Lizzie Shafer et al.----------	Cherokee Freedmen D	916,
Mary Hill et al.----------	Cherokee Freedmen D	917,
Lizzie Haynes et al.----------	Cherokee Freedmen D	941,
Mack Daniels et al.----------	Cherokee Freedmen D	1089,
Thomas Daniels et al.----------	Cherokee Freedmen D	1100,
Burrell H. Daniels----------	Cherokee Freedmen D	1101.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Burrell Daniels, for himself and wife, Meranda Daniels, and minor child, Robert Daniels; by Andrew Daniels, for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer, for herself; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arlena Shafer; by Mary Hill, for herself and minor child, Alice; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Adran Hill; by Lizzie Haynes, for herself and minor child, Edward Haynes; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Amos Haynes; by Mack Daniels, for himself and minor child, Mady Daniels; by Thomas Daniels, for himself and minor children, Mary, Louella and Julia Daniels; and by Burrell H. Daniels, for himself.

The evidence shows that the said Burrell Daniels and his wife, Meranda, together with their children, Nancy Daniels, now deceased, and Thomas Daniels, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they were taken out of the Cherokee Nation and did not return thereto until sometime after the year 1879; that the said Andrew Daniels was born during the war of the rebellion and came to the Cherokee Nation with his father and mother on their said return. All the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Burrell, Meranda, Thomas, Nancy or Andrew Daniels.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Dorsil Daniels, Savannah Daniels, Robert Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, [illegible] Daniels, Thomas Daniels, son of Andrew Daniels, Harley Daniels, Mary Daniels, Minnie Daniels, Minnie Daniels, Ella Daniels, Lizzie [illegible], Nelson Shafer, Mary Hill, Alice Hill, Alvin Hill, Lincoln [illegible], [illegible] Byrne, Anna Byrne, [illegible], [illegible], [illegible], Mary Daniels, [illegible], [illegible] and [illegible] H. [illegible], as Choctaw freedmen, should be denied under the provisions of Section Twenty-seven of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Commissioner.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) V. M. Stanley,
Commissioner.

Muskogee, Indian Territory,
this JAN 18 1904

Cherokee Freedmen R 46 et al

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Durrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-o-O-o-o-o-

"WALLACE ROLL."

"Office No.	Wallace No.	Names	Age	Sex	Residence
2314	245	Daniels, Durrell	64	M	Creek Nation
2315	246	" Miranda	61	F	" "
2316	247	" Durrell Jr.	18	M	" "
2317	248	" Hack	16	M	" "
2318	249	" Lizzie	14	F	" "
2319	250	" Robert	12	M	" "
2320		" Mary	10	F	" "
2321	251	Newson, Lizzie	8	F	" " "

--:0:--

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on page 109 of the Wallace roll, and that said Wallace roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Durrell Daniels, et al. Cherokee Freedmen R 46, et al.

Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 25 1905

Cherokee Freedmen, R. ex rel. et al.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Darrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

Census of _____ Citizens residing in _____ District, Cherokee Nation, Authorized by an Act of the National Council approved April 15, 1872.

No.	Name	Age	Male	Female	By whom identified	Remarks
94	[illegible]	[illegible]	*		Elizabeth C. Thompson	Living in Creek Nation
95	[illegible]	[illegible]	*		E. Thompson by certificate	Never lived in Cherokee Nation since 1861.
96	[illegible]	[illegible]	*			
97	[illegible]	[illegible]	*			
98	[illegible]	[illegible]	*			
99	Robert [illegible]	[illegible]	*			
100	Mary Newton	[illegible]		*		Orphan grandchildren.
101	[illegible]	[illegible]		*		
102	Mary Newton	[illegible]		*		
103	[illegible]	[illegible]				
104	[illegible]	[illegible]	*			Living in Creek Nation
105	[illegible]	[illegible]	*			
106	[illegible]	[illegible]	*			
107	[illegible]	[illegible]	*			
108	[illegible]	[illegible]	*			
109	[illegible]	[illegible]	*			
110	[illegible]	[illegible]	*			

[redacted]

[redacted]

Jane Bixby.

[redacted]

[redacted] SEP 25 1903

[illegible]

[illegible]

[illegible]

[redacted]

Tamé Bixby.

[redacted]

[redacted] SEP 24 1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 14, 1902.

I, A. C. Tonner, Acting Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true and literal copy of so much of the J. W. Wallace roll as shows the enrollment of Andrew Daniels and family, as Cherokee freedmen, and as beneficiaries of the per capita fund of $75,000 appropriated by the act of Congress, approved October 19, 1888 (25 Stats., p. 609), as the same appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of this Office to be affixed, on the day and year first above written.

(SEAL)

(Signed) A. C. Tonner,
Acting Commissioner

Schedule of Names of Cherokee Freedmen,- made by John W. Wallace Special Agent, appointed by the Secretary of the Interior, under a clause of the Indian Appropriation act of March 2, 1889, (-25 Stats., p.994) and under his instructions issued July 11, 1889, as entitled to share with the Shawnees and Delawares in the per capita distribution of the sum of seventy-five thousand dollars ($75,000) appropriated by the Act of Congress approved October 19, 1888, (25 Stats., p. 609) and revised under the supervision of this office.

AUTHENTICATED FREEDMEN.

Office No.	Wallace No.	Cherokee No.	Name	Age	Sex.	Residence.
		Coo.Dist.				
1	1	1	Alberty, Jerry	51	M	Cooweescoowee Dist.
2	2	2	" Ruth	46	F	" "
3	3	4	" Noah	22	M	" "
4	4	5	" Moses	20	M	" "
2093	106	55	Johnson, Ellen	34	F	Sequoyah Dist.
		Died 1885, on Cherokee roll as 24 in 1880.				
2094	107	78	Milton, Peggy	25	F	Sequoyah Dist.
		Died 1885 on Cherokee roll as 15 in 1880.				
2095	108	108	Wright, Ellen	26	F	Sequoyah Dist.
		Died 1890.				

ADMITTED FREEDMEN.

2096	3		Adair, Henry	65	M	Delaware Dist
2097	4		Albert, Mattie	47	F	Sequoyah Dist
2098	5		" Nancy	20	F	" "
2099	6		" Henry	18	M	" "

ADMITTED FREEDMEN.

Office No.	Wallace No.	Name.	Age	Sex.	Residence.
2351	281	Daniels, Andrew	26	M.	Goowescoowee Dist.
2352	282	" William	7	M	" "
2353	283	Daniels, Celia	43	F	Saline Dist.
2354	284	" George	20	M	" "
2355	285	" Frank	18	M	" "
2356	286	" Eva	14	F	" "
2357	287	" Donald	10	M	" "

"FREE NEGROES"

3214	24	Vann, Maggie	23	F	Illinois Dist.
		Daughter of No. 10 this Schedule.			
2315	25	Hampton, Adeline	35	F	" "
3216	26	Dash, Nora	18	F	" "

Department of the Interior,
Office of Indian Affairs,
October 29th, 1890.

The foregoing schedule, containing the names of 1988 living, and 107 dead freedmen, who are or have been recognized as such by the Cherokee Authorities, or are the children of such; of 1087 who were "admitted" by Special Agent Wallace as entitled to share, with the Shawnees and the Delawares, in the per capita distribution of the sum of Seventy-five thousand dollars ($75,000) appropriated by the Act of October 19, 1888, (25 Stats., p. 609) and whose decision is sustained by the evidence presented; of 13 who were rejected by Special Agent Wallace, as not entitled so.,

but the evidence presented in each case shows that they were the slaves, or the children of slaves, of Cherokee Indians, who returned to the Nation within the limit of time fixed by the 9th Article of the treaty of July 19, 1866 (14 Stats., p.801) and who continued to reside and still reside within the limits of said Nation; and of 21 persons, known as "free colored persons who were in the country at the commencement of the rebellion and are now residents therein", and their descendants, making in the aggregate 3216 persons who, in my judgment, are entitled, from the evidence and facts presented in Special Agent Wallace's report, to share in the per capita distribution of the sum of Seventy-five thousand dollars appropriated as aforesaid and as in the said Act provided; and I respectfully submit the same with the recommendation that it be approved by you and that a per capita payment of Fifteen dollars and fifty cents ($15.50) be made to each of said claimants, that being the sum to which each is entitled to receive under the law.

R. V. Belt,

Acting Commissioner.

Department of the Interior,

November 21, 1899.

The foregoing schedule of 3216 names from page 1 to page 154, is hereby approved as recommended.

John W. Noble,

Secretary.

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy and that the same is a true and complete copy of a document on file with the Commission in the case of Andrew Daniels, et. al., Cherokee Freedmen D-361.

Edith Lewis.

Subscribed and sworn to before me this 7 day of July 1904.

W. T. Martin Jr.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 18 1902

ACTING CHAIRMAN.

258

STATE OF TEXAS,

FAYETTE COUNTY.

To any Judge, Justice of the Peace, or Regularly Ordained Minister ~~of the Gospel~~:

You are hereby authorized to solemnize the Rites of Matrimony, between Mr. Andrew Daniel and M.. Dora Parker and due return make hereon within sixty days after solemnization.

$$$$$$ Given under my hand and seal of office, at La Grange, this
$L.S.$
$$$$$$ 15" day of July, A. D. 1882.

Thos. Q. Mullin, Clerk, County Court, Fayette County.

By O. L. Praetorius, Dpty.

I do hereby certify, that I solemnised the RITES OF MATRIMONY, between the above parties, on the 15" day of July, A. D. 1882.

S. C. Pantroy, O.M.G.

The State of Texas,)
(I, R. Klatt, Clerk of the County Court in and
County of Fayette.) for Fayette County, Texas, do hereby certify that the above and foregoing is a true and correct Copy of the Marriage License, Andrew Daniel and Dora Parker, as appears of record in Book Vol. 2, page 375, of the Marriage Records of Fayette County, Texas.

In testimony whereof I hereunto sign my name and affix the seal of office, at office in the City of La Grange, Texas, this the 20th. day of January, A. D. 1902.

R. Klatt

Clerk, County Court, Fayette County, Texas.

By Paul Klatt, Deputy.

FILED
MAY 17 1902

ACTING CHAIRMAN

198M6

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, April 24, 1902.

I, A. C. Tonner Acting Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true and literal copy of so much of the Jno. Wallace roll as shows the enrolment of Andrew Davids, as family, as Cherokee freedman, and as beneficiary of the per capita share of $75.00 appropriated by the act of Congress, approved October 19, 1888 (25 Stat. p. 609)

as the same appears on file in this Office.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

A. C. Tonner
Acting Commissioner.

Schedule of Names of Cherokee Freedmen, - made by John W. Wallace, Special Agent, appointed by the Secretary of the Interior, under a clause of the Indian Appropriation Act of March 2, 1889 (25 Stats., p.994) and under his instructions issued July 11, 1889, as entitled to share with the Shawnees and Delawares in the per capita distribution of the sum of seventy-five thousand dollars ($75,000) appropriated by the Act of Congress approved October 19, 1888, (25 Stats., p.609), and revised under the supervision of this office.

AUTHENTICATED FREEDMEN.

Office No.	Wallace No.	Cherokee No.	Name.	Age	Sex.	Residence
		Coo.Dist.				
1	1	1	Alberty, Jerry	51	M	Cooweescoowee Dist.
2	2	2	" Ruth	46	F	" "
3	3	4	" Noah	22	M	" "
4	4	5	" Moses	20	M	" "
*	*	*	*	*	*	*
2093	106	55	Johnson, Ellen	34	F	Sequoyah Dist.
		Died 1888, on Cherokee roll as 24 in 1880.				
2094	107	78	Milton, Peggy	25	F	Sequoyah Dist.
		Died 1885 on Cherokee roll as 15 in 1880.				
2095	108	108	Wright, Ellen	28	F	Sequoyah Dist.
		Died 1890.				
*	*	*	*	*	*	*

ADMITTED FREEDMEN.

2096	3		Adair, Henry	65	M	Delaware Dist.
2097	4		Albert, Mattie	47	F	Sequoyah Dist.
2098	5		" Nancy	20	F	" "
2099	6		" Henry	18	M	" "
*	*	*	*	*	*	*

ADMITTED FREEDMEN.

Office No.	Wallace No.	Name.	Age.	Sex.	Residence
2351	281	Daniels, Andrew	26	M	Cooweeskoowee Dist.
2352	282	" William	7	M	" "
2353	283	Daniels, Celia	43	F	Saline Dist.
2354	284	" George	20	M	" "
2355	285	" Frank	18	M	" "
2356	286	" Eva	14	F	" "
2357	287	" Donald	10	M	" "
*	*	* * * * * *	*	*	*

"FREE NEGROES"

3214	24	Vann, Maggie	23	F	Illinois Dist.
		Daughter of No.10 this schedule.			
2315	25	Hampton, Adeline	35	F	" "
3216	26	Dash, Nora	18	F	" "

Department of the Interior,
Office Indian Affairs,
October 29th, 1890.

The foregoing schedule, containing the names of 1988 living, and 107 dead freedmen, who are or have been recognized as such by the Cherokee Authorities, or are the children of such; of 1087 who were "admitted" by Special Agent Wallace as entitled to share, (with the Shawnees and the Delawares) in the per capita distribution of the sum of Seventy-five thousand dollars ($75,000) appropriated by the Act of October 19, 1888, (25 Stats., p. 609) and whose decision is sustained by the evidence presented; of 13 who were rejected by Special Agent Wallace, as not entitled &c., but the evidence presented in each case shows that they were the slaves, or the children of slaves, of Cherokee Indians, who returned to the Nation within

the limit of time fixed by the 9th Article of the treaty of July 19, 1866 (14 Stats., p.801) and who continued to reside and still reside within the limits of said Nation; and of 21 persons, known as "free colored persons who were in the country at the commencement of the rebellion and are now residents therein", and their descendants, making in the aggregate 3216 persons, who, in my judgment, are entitled, from the evidence and facts presented in Special Agent Wallace's report, to share in the per capita distribution of the sum of Seventy-five thousand dollars appropriated as aforesaid and as in the said Act provided; and I respectfully submit the same with the recommendation that it be approved by you and that a per capita payment of Fifteen dollars and fifty cents ($15.50) be made to each of said claimants, that being the sum to which each is entitled to receive under the law.

R. V. BELT,

Acting Commissioner.

Department of the Interior,

November 21, 1890.

The foregoing schedule of 3216 names from page 1 to page 154 is hereby approved as recommended.

John W. Noble,

Secretary.

FILED
MAR 22 1902
ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Andrew Daniels,
Ramona, I. T.
Cherokee-F-D-861.
Register.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 25 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 25 1901

Post Office Ramona I.T.

District Coo

1. Name Andrew Daniels Age 27

Owner's name Citizenship

Year K.B. Page 181 No. 4446 District Coo

Parents:

Father Burrell Daniels-living Citizenship

Mother Miranda " Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Dockett

Names of Children:

2.	Willie	Daniels	Year K.B.	Page 99	No. 4447	Dist. Coo		18
3.	Lewis	"	Year "	Page 181	No. 4448	Dist. "		16
4.	Lessie	"	Year "	Page 181	No. 4450	Dist. "		13
5.	Thomas	"	Year "	Page 181	No. 4449	Dist. "		10
6.	Bailey	"	Year —	Page —	No. —	Dist. —		17
7.	Cassie	"	Year "	Page 181	No. 4451	Dist. "		9
8.	Minnie	"	Year "	Page 181	No. 4452	Dist. "		5
9.	Miranda	"	Year —	Page —	No. —	Dist. —		2
10.	Beth	"	Year —	Page —	No. —	Dist. —		1
12.			Year	Page	No.	Dist.		

Application made by No. 1 Stenographer C.C. Jones

3 On R.B. roll as Louis Daniel

5 " " " " Tom "

6, 9 and 10 Birth affidavits to be supplied

Certified copy of marriage record to be supplied.

Represented by Mellette and Smith.

X Ref. R. 40.

DEPARTMENT OF THE INTERIOR:

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible], Indian Territory, _____ 190[illegible]

Sir:

[illegible] of the Commission to the Five Civilized Tribes [illegible] copy of the testimony in the matter of the application of _____ for the enrollment as Choctaw Freedman.

Respectfully,

Secretary.

RECEIVED
OCT 15 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

[illegible]

COMMISSIONERS,
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 26, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Andrew Daniels for enrollment as Cherokee Freedman.

Mellette Smith

Cherokee Freedman #D861

Muskogee, Indian Territory, January 6, 1908.

Mr. Andrew Daniels,

Ramona, Indian Territory.

Dear Sir:-

The Commission is in receipt of birth affidavits in the matter of the applications for the enrollment of your children, Burley Daniels, Miranda Daniels, and Ruth Daniels, as citizens of the Cherokee Nation, and the same have been duly filed.

Your attention is called to the fact that you are required to file with the Commission a certified copy of your marriage record. The record in your case will not be complete until you have done this, and it is desired that you send this certified copy of your marriage record at the earliest possible date.

Yours truly,

Commissioner in Charge.

In answering refer to
C.F. D-881.

Cherokee Freedmen
D-861.

Muskogee, Indian Territory, January 19, 1904.

Andrew Daniels,

Ramona, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needham

Enc. D-75.

Register.

Commissioner in Charge.

Cherokee Freedmen
D-48 et al.

Muskogee, Indian Territory, January 18, 1904.

Edgar Smith,

Attorney for Burrell Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, Lizzie and Arlena Shafer as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-79.

Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-20 et al.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Keranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, and Lizzie and Arlena Shafer as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-20.

Commissioner in Charge.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Burrell Daniels et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Sunie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, Lizzie and Arlena Shafer as Cherokee freedmen.

Respectfully,

C. Meadles.

Commissioner in Charge.

Enc. D-81

Through the
Commissioner of Indian Affairs.

Refer in reply to the following:
Land.
5520,1904.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 16, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, transmitting the record of the application for enrollment as Cherokee Freedmen of Burrell Daniels for himself and his wife Miranda Daniels and minor child, Robert Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer for herself and minor child Arlena Shafer; by Mary Hill for herself and minor children, Alice and Adran Hill; by Lizzie Hayne for herself and minor children, Edward and Amos Hayne; by Mack Daniels for himself and minor child Mady Daniels; by Thomas Daniels for himself and minor children, Mary, Lenella, and Julia Daniels, and by Burrell H. Daniels for himself.

January 18, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Burrell Daniels, and Miranda, his wife and his minor child, Thomas Daniels were the slaves of a Cherokee citizen at the commencement of the war of the rebellion; that during the war they were taken out of the Cherokee Nation; that after the war they were kidnapped by one Col. Bryant and carried into Mexico and sold into peonage; that in 1871 they

were released from servitude and arrived in San Antonio, Texas, during that year; that they did not return to the Cherokee Nation until the year 1884. The other claimants have no rights except as derived from Burrell, Miranda or Thomas Daniels.

Under date of January 16, 1897, this office submitted for reconsideration and approval the Kern-Clifton roll of Cherokee freedmen. With reference to Burrell Daniels the office said:-

"Commissioners Clifton and Kern join in especially requesting the Department to place upon the roll the name of Burrell Daniels No.4501, and his family. These Commissioners state as follows:

"It was not in the power of the Commission to do this because the evidence shows that he did not return until 1870 or later, but the evidence also shows that at the conclusion of the war he was sold by his owner, a Cherokee, into slavery into Mexico, and kept there for five years, until by the interference of this government, he was taken from Mexican slavery and at once returned to the Cherokee Nation. He and his family are estimable citizens, and these two Commissioners believe that the Cherokee Nation, whilst not willing to recommend his enrollment, yet would not be averse to having him enrolled."

The same question was raised in this case before Commissioner Wallace, and the facts as stated by these Commissioners and as stated by Mr . Daniels himself in his testimony, submitted by them, are corroborative of the testimony as given before Commissioner Wallace, and upon which, he was enrolled by the Department. While under a literal interpretation of the language of the treaty he might not be entitled to enrollment, it was certainly not the spirit of the treaty to exclude persons of this class."

By letter of January 16, 1897, (Ind.Div.8075-1896) the Department approved the enrollment of Burrell Daniels.

It does not appear necessary to pass upon the question of the

duress of the claimants, Burrell, Miranda and Thomas Daniels during the period allotted for the return of Freedmen to the Cherokee Nation ending February 11, 1867, for the reason that they do not appear to have made proper effort to return to the Cherokee Nation and claim their rights. On the contrary it is shown that it took them thirteen years from the time of their release from peonage to get to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMM

C

W.C.P.

J.P.

D. C. 21703-1904 FRB

I.T.D. 3040-1904.

L R S DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 24, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 15, 1904, you transmitted the record in the consolidated case embracing the applications of Burrell Daniels et al (F.R.-40 et al), for enrollment as Cherokee Freedmen, including your decision of January 15, 1904, rejecting said applications.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen
D 861

Muskogee, Indian Territory, June 30, 1904.

Andrew Daniels,

Ramona, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 941, et al.

Muskogee, Indian Territory, June 30, 1904.

Edgar Smith,

Attorney for Lizzie Quapaw, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner's decision dated January 15, 1904, rejecting, among others, the applications for the enrollment of Lizzie, Edward and Anna Haynes, Mary, Alice and Adrian Hill, Lizzie and Arlena Shafer, and Andrew, Willie, Lewis, Essie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Darrell, Bernice and Robert Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1158, et al.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting the applications for the enrollment of Durrell M., Thomas, Mary, Louella, Julia, Mack, Mady, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Durrell, Meranda and Robert Daniels, Lizzie, Edward and Anna Haynes, Mary, Alice and Adrew Hill, and Lizzie and Arlena Shafer as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Creeklaw Freedman
S. Ct., et al.

Muskogee, Indian Territory, July 9, 1906.

William H. Maxwell,
Attorney for Maxwell Besaida, et al.,
Muskogee, Indian Territory.

Dear Sir:

In accordance with your request there is herewith inclosed to you a copy of the testimony in the consolidated case of Maxwell Besaida, et al., Creeklaw Freedman No. 2 of and 2 200 to 2 206, inclusive, together with a copy of the Commissioner's decision rejecting the applicants, and a copy of the Department's letter of June 26, 1906, affirming the Commissioner's decision.

Respectfully,

Encl. V-40

Commissioner in Charge.

COPY.

Cherokee Freedman

R-395.

Muskogee, Indian Territory, May 31, 1905.

Andrew Daniels,

Ramona, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al. as Cherokee Freedman, you are advised that the Commission is in receipt of Departmental letter of May 13, 1905, remanding this case for further hearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, and introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Register

(SIGNED). T. B. Needles.
Commissioner in Charge.

COPY.

Cherokee Freedmen

D-48, et al.

Muskogee, Indian Territory, May 21, 1904.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 18, 1904, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 2, 1904, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Incl. S-2.

COPY.

Cherokee Freedmen

R-69, et al.

Muskogee, Indian Territory, May 31, 1906.

Miss A. Dulger,

Attorney for Burrell Beaulieu, et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Burrell Beaulieu, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 13, 1906, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED). T. B. Needles.
Commissioner in Charge.

Incl. R-1.
Register

Muskogee, Indian Territory, Sep 25 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of May 13, 1905, (I. T. D. 5330-1905), remanding the record, including the decision of the Commission to the Five Civilized Tribes of January 18, 1904, in the matter of the applications of Burrell Daniels, et al., for enrollment as Cherokee Freedmen, for rehearing and readjudication, in accordance with the opinion of the Assistant Attorney-General, rendered on May 9, 1905, wherein it is held that the Commission erred in adjudicating the rights to enrollment as Cherokee Freedmen of the said Burrell Daniels, et al., under the theory that their rights were barred under Article IX of the Treaty of 1866, and that said applicants' rights to enrollment as Cherokee Freedmen should have been adjudicated under the provisions of Section 2, Article I, of the Cherokee constitution, which, in part, provides:

[illegible]

[illegible] shall remove with his effects [illegible] of the [illegible] taken, and because [illegible] of any [illegible] his [illegible] as a [illegible] shall [illegible]."

In accordance with said instructions, these applications were set down for re-hearing before the Commission on June 6, 1905, and due notice of said re-hearing was sent to all parties in interest.

On the date set for re-hearing, all parties applicant appeared either in person or by attorney, the Cherokee Nation appeared by attorney, and a re-hearing was had therein and the applications again taken under advisement by the Commission.

There is herewith transmitted the record in said cause, together with my opinion of this date, for further consideration by the Department.

In transmitting this record, I desire to submit my views on the questions of law and fact arising in the adjudication of said applications more fully than they are set forth in the judgment in this cause.

Secretary--3.

The following statement of facts is fully supported by the evidence in this case:

That Burrell, Miranda and Tom Daniels, principal applicants, and Nancy Newton, nee Daniels, deceased, through whom all the other applicants herein claim the right to enrollment as Cherokee freedmen, were, at the commencement of the Rebellion, the slaves of Cherokee citizens; that some time during the summer or fall of 1862, said Burrell, Miranda and Tom Daniels, and Nancy Newton, nee Daniels, deceased, were removed from the Cherokee Nation by one Joel M. Bryant, and, after the close of the rebellion were taken by the said Joel M. Bryant to Mexico, where they remained until some time during the early '70's, when they removed to San Antonio, Texas, and a number of years later removed from Texas to the Indian Territory.

The principal applicants herein allege that they were forced by Joel M. Bryant (after the rebellion) to make the trip to Mexico; that after arriving in Mexico, they were sold into peonage, and compelled to remain in that country six or seven years; that upon their release from

sojourn in Mexico they removed to Texas, where, by reason of the condition of their finances, they were forced to remain a number of years, in order to earn money enough to pay their way to the Cherokee Nation, and that, since the close of the rebellion, it was ever their intention to return to said Nation as soon as circumstances would permit. These allegations are denied by the Cherokee Nation.

Under this showing attorneys for applicants contend that said applicants have complied with the provisions of Article IX of the Treaty of 1866, which, in part, provides:

> "That all freedmen who have been libertated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native cherokees."

Numerous letters and briefs have been filed in this case by the attorneys for applicants, in support of, among others, their contention above indicated. This office refers and calls particular attention to certain parts of said letters and briefs material to the question

now under discussion. In this connection is cited the frequent use, by attorneys for applicants, of the term "poor ignorant people" as designating claimants generally for freedman citizenship in the Cherokee Nation. Aside from the fact that ignorance does not excuse them from compliance with the law, this office advisedly says that the term is a misnomer, and, after several years experience with this class of applicats, it is convinced that they are as fully capable of protecting their own interests as are the Indian citizens of the Cherokee Nation. And the applicants in this case are anything but exceptions to their class.

Several reasons are advanced by their attorneys why said principal applicants should not be required to show that they returned to the Cherokee Nation, after the rebellion, within the time stipulated in said Article IX of the treaty of 1866, as interpreted in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., but, except the one below discussed, all have been disposed of by the Assistant Attorney-General, in his opinion above referred to.

After asserting that "A slave can have no domicile, inasmuch as he cannot possess one of the requisitios, namely, intention", that "A slave had no political rights; 92 U. S. 27", and that "Domicile is a political right", they argue as follows:

> "In the United States a slave was capable of committing crime, of receiving his freedom; of being the subject of homicide, and of modifying, by his volition, very materially, the rules applicable to other species of property. While, under the civil law, slaves were classed among things, and as such, a slave was not considered capable of violating the criminal or civil laws of the country, any more than other domestic animals.
>
> "The modifications placed upon the old civil law theory, were the results, largely, of statutory enactments, since genuine slavery was not known under the original common law. The villians of the early English times were but feudal tenants of the lowest grade, and were but monuments of Danish tyranny."

From thisline of argument they drew the conclusion that:

> "On account of the above named conditions, a slave, emancipated in the United States, acquired the domicile of his owner by operation of law, in the same manner that an infant acquired the domicile of its ancestor, by inheritance." Brief filed with the Department, December 12, 1904.
>
> And again, "When by act of the National Council in February, 1863, the shackles fell from all Cherokee

> slaves, this petitioner became a freedman, and acquired a right of domicile in some place. From the very nature of the circumstances he must have become vested with the same domicile as his master." Paragraph 1, page 20, brief filed with the Department, May 6, 1905.

This office is free to admit its inability to follow the reasoning of the attorneys for the applicants, in the extracts from their briefs above set out, but the conclusion reached it can fully understand, and as they cite no authority to sustain their position, it is considered that their conclusion is subject to serious doubt, if not complete rebuttal.

Following the reasoning of attorneys for applicants in this case, the Assistant Attorney-General says:

> "At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat. 801), the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion, Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands, went to Mexico, carrying Daniels with them, and sold him to Mexicans, where he was held in bondage until his return was effected by intervention of the United States." Page 6, Asst. Atty-Gen'l's Opinion.
>
> "To that time Daniels had been able to do nothing,

> and had done nothing, to change his legal domicile from the Nation. He had been forcibly and tortiously deported by brigands, and sold into servitude. No rights could be lost thereby. In legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the Treaty. If upon being freed from physical restraint he returned to his home in the Nation within such time as was reasonably necessary, considering his means and circumstances, and the facilities for travel, he should be regarded as never having been absent from the Nation. If, on the other hand, he pursued such a course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the Nation and took up his residence at San Antonio." Page 6, Asst. Atty-Genl's. Opinion.

It is well settled that prior to the rebellion an African, whether slave or free, had no civil, social, or political rights or capacities whatsoever, except those conferred by statute." And, "every attempt to extend to a slave positive rights was an attempt to reconcile inherent contradictions, for, in the very nature of the case, he was subject to despotism. Law, as to him, was only a contract between his rulers;" Bryan v Watson, 20 Ga. 480; ex parte Boylston, 2 Strob. (S. Car.) 41; Dave v State, 22 Ala. 33; Oliver v State, 39 Miss. 527; Jacobs v State, 3 Humph. (Tenn.) 493;

Macon v State, 4 Humph. (Tenn.) 421/ "He was mere property, and in the United States the right of property in a slave was recognised not only in the Constitution, but by every Department of the government, from its foundation to the commencement of the rebellion. The institution was regarded as beyond all civil entitled to the benefits of all the provisions and guarantees for the protection of any other property". Prigg v Com. 16 Pt. (U.S.) 539; Dred Scott v Sanford, 19 Howard (U.S.) 393; Neal v Farmer, 9 Ga. 555; Bedine's Will 4 Dana, (Ky.) 476; Gorbin v Marsh 2 Duv. (Ky.) 193; Thornton v DeMass 5 Sneed.& M. (Miss.) 609; Hendelite v Thurman, 22 Grat. (Va.) 466, 12 Am. Rep. 526.

In view of the foregoing it is quite apparent that any civil, social or political rights African slaves enjoyed in this country prior to the rebellion must have been conferred upon them by statute, and in the absence of any showing that by statutory enactment slaves were granted the right to acquire a domicile by inheritance, or otherwise, or that said domicile was to be that of their masters, it is not unreasonable to presume that such right did not exist, and

that to ascertain the domicile of a slave since freed the same rules of law are applicable as are applicable to any other free person.

Accepting, for the sake of argument, February 18, 1866, as the date upon which Burrell and Miranda Daniels obtained their freedom (which, however, is error, as at that time said principal applicants were without the jurisdiction of the Cherokee Nation, and, under the law and as a matter of fact, were not free prior to the close of the war), it is considered that any political rights now possessed by them must have been conferred upon them on or subsequent to said date, and as the right of domicile is a political right, their domicile at any time since being freed should be determined in accordance with the law applicable to persons sui juris.

In connection with the foregoing attention is respectfully called to the following authorities, which clearly define the requirements necessary for an adult to establish a legal domicile:

"To acquire a domicile two things must concur: (1) A residence; (2) An intention to make it the home of the party." Hart v Lindsey, (17 N. J. L. 235)/ 43 Am. Dec. 497;

"Residence and intention to remain must both concur in order to establish domicile". Gilman v [illegible] (55 Me. 148), [illegible] Am. Dec. 502; Guvillion v Richard (13 La. 293), 33 Am. Dec. 565.

"To acquire domicile there must be a residence in a place and an intention to make it home". Viles v City of Waltham (167 Mass. 342), 34 Am. State reports 311.

"Domicile can only be acquired by the fact of bodily presence, coupled with the requisite animus". Jacobs Law of Domicile, Sec 95, page 158.

"A new domicile is not acquired by mere intention to so acquire it, without the fact of an actual removal, nor is it acquired by a removal without the intention". Ringgold v Barley (5 Md. 186), 59 Am. Dec. 107.

"Intention to reside must relate to the future, and not to the past, where it, combined with residence, is relied upon to establish a domicile". Gilman v Gilman, supra.

Numerous authorities to the same effect could be collected, but it is considered that the foregoing citations are sufficient to show that two things must concur in order to establish a legal domicile: (1) Bodily presence; and, (2) An intention to make it the home of the party. If either

requisite be in being, or they are not coincident, no domicile is established.

Applying the law of domicile to the facts established by the evidence in the case now under consideration, it will be found that prior to 1884, if then, one or the other of these elements necessary to establish their domicile in the Cherokee Nation, was ever lacking on the part of the applicants. Prior to February 18, 1883, when the principal applicants were bodily present in the Cherokee Nation, they had not the legal capacity to possess one of the requisites, namely, intention, and in so far as this office is able to discover after a somewhat exhaustive research, there is no law, custom or judicial decision to the effect that this intention could have been supplied or exercised by any one for them.

Subsequent to said last above mentioned date, and prior to 1884, while they may have possessed, during all this time, the legal capacity to choose a domicile, the fact remains that they were not bodily present in the Cherokee Nation during said interval.; consequently, said applicants

did not, and as a matter of law could not, establish a domicile in said Nation until they were not only bodily present, but legally capable of intending to make that Nation their home, which requisites, as the evidence shows, did not occur prior to the year 1884. Hence, under the law, they did not comply with the provisions of Article IX of the Treaty of 1866, relative to establishing a residence in the Cherokee I tion.

On May 22, 1904, the Assistant Attorney-General, in reply to certain questions submitted to him by the Attorneys for the Cherokee Nation, held that:

> "The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given or created by the treaty. It is not in the nature of a condition precedent but essentially part of the facts out of which the right given arises. There is no right independent of the condition imposed. Such limitation affects all alike, competent or incompetent.
>
> "Residence is a word of varied meaning, incapable of accurate definition without reference to the context in which it appears. It is used with equal propriety in the sense of legal domicile, and in that of a temporary place of abode. The context shows that the object of the provision (Article IX treaty of 1866), was to give the status of citizenship in the Cherokee Nation to classes of persons who before did not have it, many of whom had lately been mere chattels. Its purpose

was to raise persons of inferior or no civil status to that of dignity and of legal equality with the body of citizens.

"I am of opinion that physical return of the person within the time prescribed by the treaty was not necessary in those cases where a domicile therefore held in the Cherokee Nation had not been abandoned or lost, and that the person might be excused from return by inability or like reasons as prevent loss of domicile by one not actually resident at the place of legal domicile".

This ruling was followed by the Commission in numerous decisions since rendered, and it was ever its understanding that it was incumbent upon freedman claimants to show that during the interval between the time of obtaining their freedom and February 11, 1867, they, or the ancestor through whom they claim their right, had established a legal domicile in the Cherokee Nation. The question of facilities for travel, financial conditions, distance applicant was removed from the Cherokee Nation, size of his family, and a great many other hindering causes that applicants may now plead, if the new ruling in this case is permitted to stand, were never gone into, but applicant's rights have ever been determined upon, among others, the clear-cut proposition--Were you or those through whom you claim the right to enrollment as a Cherokee freedman, actually present in

the Cherokee Nation with the intention of establishing a residence therein, during the interval between the date of being freed and February 11, 1867? And it is but fair to the Cherokee Nation that this should be the extent of the inquiry along this line.

The Cherokee Nation is not responsible for the existence of conditions that prevented the freedmen from complying with the treaty stipulations of 1866; and, further, if freedmen claimants are permitted to plead the many reasons suggested by the new ruling in this case, as excuses for their non-compliance with said treaty stipulations, the Nation is at the mercy of the freedman applicant, for not only are the majority of these reasons matters peculiarly within the knowledge of the applicant, but, if alleged, as undoubtedly they will be, are at this la te date incapable of being rebutted.

Furthermore, this ruling, in effect, removes from Article IX of the Treaty of 1866, the time limit within which freedmen were required to establish their residence in the Cherokee Nation. If the said Act of February 18, 1865, ipso facto, made absent freedmen domiciled citizens of

the Cherokee Nation, what objection there be for investigating the question as to when freedmen applicants or their ancestors returned to the Cherokee Nation and established their residence therein after the rebellion, when the only advantage to be obtained by complying with this provision was to secure a political right which, under the ruling in this case was already theirs?

Under this ruling the only question for investigation and determination would be: Has there been a forfeiture of the rights absolutely conferred by the treaty of 1866, upon those who were the slaves of Cherokee citizens, or free colored persons residing in the Cherokee country at the commencement of the rebellion, and their descendants?

It is for these reasons:

(1) The ruling of the Department is not in accordance with the law; and,

(2) To follow said ruling to its logical conclusion will necessitate the reopening of numerous cases heretofore passed upon by the Commission to the Five Civilized Tribes and the Department and the adoption of an entirely new construction of the law applicable to Cherokee Freedmen cases;

that this office respectfully requests that the ruling in this case be reconsidered and the former decisions of the Department in this class of cases be adhered to.

It is however, considered by this office that even though Burrell and Miranda Daniels and family were domiciled citizens of the Cherokee Nation on or prior to February 11, 1867, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, and in this connection attention is called to the following points in this case.

The evidence in this case does not show that Joel M. Bryant refused to turn in his equipage at the close of the rebellion; or that he was at the head of an "insurgent band" or that he or any one of his company, ever stole a bovine in their lives; neither does the evidence show that either or any of them compelled any red, white or black man, woman or child, to accompany them to Mexico, in 1865, or at any other time. All such allegations are based upon the unsupported and uncorroborated testimony of Burrell Daniels.

In re testimony of Burrell Daniels: This applicant seems to have had a wonderful knowledge of his former

master's business- at a time too, when he would have it believed that his ex-master was engaged in a transaction that required secrecy. He is perfectly familiar with the motive that prompted Joel Bryant to go to Mexico, and testifies positively that Col. Bryant sent certain members of his party, giving their names, from West Texas to East Texas to steal cattle; and that after a short absence they returned with 1500 head, which they took across into Mexico. He further testifies that he never could read or write, but that he, with others, was compelled at the point of a gun, to enter into a contract whereby they agreed to pay Col. Bryant for their transportation from Texas to Mexico. All of which is denied, and the contrary alleged by two witnesses for the Cherokee Nation, who were members of Col. Bryant's party from Texas to Mexico in 1865.

Attention is further called to the testimony of Burrell Daniels rela tive to his return from Mexico to Texas; On his first appearance before the Commission he testified that he and his family were released from peonage in Mexico through the intervention of President Grant, and that they

were brought from Chihuahua to the Rio Grande by soldiers sent into Mexico to effect their release; that the soldiers paid him $20.00 for services rendered during the trip, and that he and his family immediately thereafter started for San Antonio. On his last appearance before the Commission he omitted the soldier feature of his release and return, and testified that he effected the release of himself and family in Mexico, by laboring until the amount for which he was held was satisfied; that he, leaving his family at Chihuahua, together with Mr. Brown, a lumberman, followed a train of wagons from Chihuahua to the Rio Grande river, where he worked in a mill for ten months, during which time he sent money to his family in Mexico for their support; that finally, he arranged with a man in charge of a Mexican wagon train to bring his family to him, the consideration being $15.00, and that after their arrival, he and his family remained on the Rio Grande river for a while, or until he arranged with the boss of another wagon train to transport himself and family to San Antonio, and that, on their arrival at the latter place, instead of charging him anything for transportation, the man in charge of the train paid him $10.00, for services rendered during the trip.

In view of the many unreasonable and improbable assertions made by the applicant, Burrell Daniels, relative to matters that he could have known only by hearsay, or by drafts upon a rather vivid imagination, of which he seems possessed, in connection with the many contradictory statements made by him, it is considered that his testimony is of little value in ascertaining the facts at issue in his case, and that his acts, in connection with certain facts known to this office, will better serve as a guide in determining whether or not it was his intention, after the rebellion, to return to the Cherokee Nation as soon as circumstances would permit.

Burrell Daniels testifies that he knew nothing of the treaty of 1866 prior to his removal to the Cherokee Nation in 1884, hence, it cannot be inferred that during the interval between July 19, 1866, and the date of his removal to said Nation it was ever his intention to comply with its provisions.

The testimony of Burrell Daniels as to dates and places of birth of his children, records of their marriages, and other attendant circumstances, shows that he and his family

lived at least twelve years in Texas; but, after the most thorough examination, this applicant will account for but five and one-half years spent in that state, which, on its face shows an inclination to keep back facts that would tend to show whether or not he intended to make Texas his home.

It is urged by the attorneys for applicants as a reason for Daniels and his family's failure to return to the Cherokee Nation at an earlier date, that their stay in Texas was at a time when no railroads had penetrated these regions (Weimar and San Antonio, Texas), or afforded facilities for travel. This is but a quotation from the Assistant Attorney-General's opinion rendered on May 9, 1905, wherein he says:

> "He (Burrell Daniels) was not returned, however to his home in the Nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated those regions or afforded facilities for travel".

It is a matter of public knowledge that the Missouri, Kansas and Texas railway was built through the Indian Territory to Denison, Texas, during the years 1871 and 1872, and

it is known to this office that this line passes through the Cherokee Nation within ten miles of Burrell Daniels' old home on Grand River.

"In 1850, General Sidney Sherman organized, in Boston, Mass. a company for the building of a railroad in Texas. In 1852 the Buffalo Bayou, Brazos & Colorado road was begun, and the shrill whistle of the engine was heard at Harrisburg. The road, in 1859 had reached the Colorado river, only sixty-five miles from its starting point. This was the beginning of the great line now known as the 'Sunset Route' (Southern Pacific)". A new History of Texas, Revised Ed. page 332. (This is the railroad on which Burrell Daniels and his family traveled from San Antonio to Weimar, shortly after their removal from Mexico to Texas).

"In 1848 a charter was granted to the Houston & Texas Central; work was not begun till 1853, and in 1861 not more than eighty miles had been completed. Twelve years later the road reached Denison and became a mighty thoroughfare of traffic.

"Even as late as 1867 the railroads in Texas were few in number and limited in extent, the total mileage amounting to not more than four hundred miles. From 1873 to 1890 there was a wonderful increase; roads sprang up in all directions, new sections were opened and rapidly settled, everywhere the iron horse carried civilization, comforst and luxuries." Ib.

Thus it will be seen that as early as 1873 there was a direct all-rail route from that part of Texas (Weimar and San Antonio), where the Daniels's were located, to within

a few miles of their old home in the Cherokee Nation. This, it is believed, fully settles any question as to the railroad facilities between the Cherokee Nation and San Antonio, Texas, and successfully rebuts any allegations to the effect that such facilities were inadequate.

It is contended in behalf of applicants, that while Daniels and his family were living in Texas, they were the "victims of the vicious system of share-farming" and that this must be considered as one of the attendant circumstances which prevented them from returning to the Cherokee Nation at an earlier date. Burrell Daniels testified that he raised four crops in Texas. The first year he came out in debt. The second year he left the place after the crop was put in. The third year he came out even, and the fourth year he made enough out of the crop to pay up "all our debts and everything and we had enough money to come to Muskogee." This is the extent of their farming in Texas, so far as the record shows, and it does not indicate that they were the victims, for any length of time, at least, of the

so-called "vicious system of share-farming", alleged to be at that time prevalent throughout the south.

Another feature established by the evidence in this case, and worthy of comment, is this: The testimony of Burrell Daniels shows that starting from Chihuahua, Mexico, with no financial means, and traveling only by wagon train, the distance between Chihuahua and San Antonio, Texas, 520 miles, was covered by himself and family within a few months, but to cover the distance between San Antonio, Texas, and Muskogee, Indian Territory, 568 miles overland, or 703 miles by rail, required twelve years for himself and a part of his family to make the trip, and for other members of his family it required twenty-four years to reach the Cherokee Nation.

Attention is also called to the fact that the evidence in this case shows that Burrell Daniels and those who returned with him to the Territory after the rebellion, did not settle in the Cherokee Nation, but rather in the Creek Nation, where, as indicated by the Wallace Roll (1880), Cherokee Census Roll of 1893, and Kern-Clifton Roll (1894), they resided continuously for twelve or thirteen years.

The foregoing it is respectfully recommended shows conclusively that neither Burrell Daniels, nor any member of

his family returned to the Cherokee Nation after the rebellion as soon as circumstances would permit, but rather that the return of part of this family to the Indian Territory nineteen years after the close of the rebellion and the return of other members of said family thirty-two years after the war, was due to some cause other than a desire or an intention to save or acquire any citizenship rights in the Cherokee Nation.

This cause is discussed thus in detail because of its great importance to the work of enrollment of the Cherokee Freedmen. This work is at the present time almost completed. It has been attended by many difficulties caused principally by the reason that the facts to be established occurred thirty-five or more years ago, which lapse of time necessarily dims and clouds the memory of the witnesses.

The great bulk of this work was done under precedents and an interpretation of the laws entirely at variance with the opinion of the Assistant Attorney-General of May 9, 1905, rendered in this cause, and the confusion which would result from a change at this late date cannot be overestimated.

Already many applications to reopen and reconsider in the light of this ruling cases long since closed, have been

Secretary--26.

[illegible] and many other applicants are only waiting for final decision in this case along the lines laid down in the opinion of the Assistant Attorney-General, supra., to pray for a reconsideration in their cases.

It is therefore respectfully recommended that this matter be again carefully considered in the light of the views herein set forth and that my decision in this case, herewith transmitted, be affirmed.

Respectfully,

(signed) Tams Bixby.

Commissioner.

Through the

Commissioner of Indian Affairs.

Ind. B 90
LMB

COPY.

Cherokee Freedmen

R-40, et al.

Muskogee, Indian Territory, September 26, 1905.

Blue & Bulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby

Commissioner.

LS
Incl. S-48
Register

Cherokee Freedmen

S-49, et al.

COPY.

Muskogee, Indian Territory, September 28, 1905.

Messrs. Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby

Commissioner.

TB

Incl. S-49

Cherokee Freedmen

R-395.

COPY.

Muskogee, Indian Territory, September 26, 1905.

Andrew Daniels,

Ramona, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself and minor children as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Tams Bixby

Commissioner.

LS
Incl. S-42
Register

Cherokee Freedmen

B-808.

COPY.

Muskogee, Indian Territory, September 26, 1905.

Andrew Daniels,

Nowata, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting, among others, your application for the enrollment of yourself and minor children as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby.

Commissioner.

LS
Incl. 3-42
Register

Muskogee, Indian Territory, October 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On September 25, 1905, there was transmitted to the Department the record of proceedings had in the consolidated case of Burrell Daniels, et al., Cherokee Freedman R 40, et al., wherein, in its decision rendered on said date, this office found that the said Burrell Daniels, et al., possessed no rights to Cherokee freedmen citizenship. Said letter set forth the views of this office relative to the law applicable in determining the rights of said applicants to enrollment as Cherokee freedmen.

I now have the honor to direct your attention to certain proceedings had before the Court of Claims, in the case of Charles Journeycake, et al., v. the Cherokee Nation, et al., 31 C. of Cls. 40, and which are considered pertinent to the position taken by this office, and material in de-

termining the rights to Cherokee citizenship of the above indicated applicants.

CHARLES JOURNEYCAKE, PRINCIPAL CHIEF, v. THE CHEROKEE NATION ET AL.
JOHNSON BLACKSMITHER, PRINCIPAL CHIEF, v. THE SAME
MOSES WHITMIRE, TRUSTEE, v. THE SAME.
(Nos. 16837, 16.87, 17209. Decided January 27, 1896)."

"On complainant's Motions."

"V. .. .. .

Secretary--A.

"Court of Claims,
Washington, February 18, 1896.

Hon. Daniel M. Browning,
Commissioner of Indian Affairs.

Sir: The court is informed that the Commissioner of Indian Affairs desires its opinion in regard to the fifth of the proposed instructions referred for the consideration of the Secretary of the Interior February 18, 1896.

"The decree in this case follows and refers to Article IX of the treaty with the Cherokee Nation, July 19, 1866, and the persons therein designated are the complainants in this case, entitled to payment under the decree."

Syllabus.

"The court is of the opinion that the clauses in that article in these words, 'And are now residents therein, or who may return within six months, and their descendants,' were intended, for the protection of the Cherokee Nation, as a limitation upon the number of persons who might avail themselves of the provisions of the treaty; and consequently that they refer to both the freedmen and the free colored persons previously named in the article. That is to say, freedman and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

"The court is also of the opinion that this period of six months extends from the date of the promulgation of the treaty, August 11, 1866, and consequently did not expire until February 11, 1867."

"Wm. A. Richardson,
"Chief Justice."

The foregoing is a part of the proceedings had in the case of Moses Whitmire, Trustee, etc., v. the Cherokee Nation et al., and is the interpretation of the Court

of Claims placed upon its decree in said Whitmire case, rendered on February 3, 1896, hence, in legal effect, is a part of said decree.

Paragraph II, section 21, of an Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

> "It [the Commission] shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

Said Paragraph II, above quoted, is the jurisdictional act under which this office is making a roll of Cherokee freedmen, and it is respectfully submitted that in view of the foregoing, neither this office nor the Department, has authority to grant the application for the enrollment as a Cherokee freedman of any one who can not show that he , or , in case of one who claims as a descendant, that the ancestor through whom he obtains his right to Cherokee Freedman citizenship, was actually residing in the Cherokee Nation on August 11, 1866, or established a residence in said Nation within six months thereafter.

It is respectfully requested that the letter be

Secretary,

made supplemental to, and considered as a part of the report in the proceedings had in the case of Darrell Daniels, et al., applicants for enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs. Commissioner

DEPARTMENT OF THE INTERIOR.
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.
WASHINGTON.

(COPY)
WCP

118-19 06.
I.T.D.

February 27, 1907

The Secretary
of the Interior.

Sir:

You referred the papers relating to the application of Burrell Daniels et al., for enrollment as Cherokee freedmen, for opinion concerning questions of law presented by the Commissioner to the Five Civilized Tribes.

This case has been under consideration at various times and in opinion of May 9, 1905, it was recommended that the decision of the Commission to the Five Civilized Tribes, adverse to applicants, be vacated, "and the case readjudicated under the removal or expatraition provision of the Cherokee constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation." The case was returned to the Commissioner of the Five Civilized Tribes and further hearing was had. The facts developed are substantially that Daniels and other negroes, formerly slaves of Cherokees, at about the close of the civil war were taken out of the Cherokee Nation and to Mexico where they were held under the peonage law of that country until about 1872 when they were returned to this country. Daniels

remained at San Antonio and other places in Texas until about 1884 when he returned to the Indian Territory. He claims that he was not before that time able to save enough to carry him to his former home although it was always his desire and intention to so return. Upon his return he stopped at Muskogee in the Creek Nation and the date when he actually entered the Cherokee territory is not clearly shown.

The Commissioner of the Five Civilized Tribes held that Daniels was not entitled to enrollment. The Indian Office was of opinion that Daniels and others with him did not use diligence in returning to Indian Territory and are not entitled to enrollment:

The act of April 26, 1906 (34 Stat., 137) provides:

The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six; or who actually returned and established such residence in the Cherokee Nation on or before February eleventh eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes, or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.

Upon the theory that Daniels' departure from the Cherokee Nation was not voluntary it might be held that notwithstanding his removal he still held a legal residence in the Nation. Evidently, something more than constructive legal resi-

dence was contemplated by the act of 1906. It had previously been held that one who had a constructive residence in the Nation, August 11, 1866, was within the terms of the treaty of July 19, 1866 (14 Stat. 801), which provided that freedmen and free colored persons "who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees." If it had been intended that this ruling should continue to control there would have been no necessity for further legislation on the subject. The only possible conclusion is that it was intended by the Act of 1906 to change existing law as construed and to provide some different and stricter rule to guide in the enrollment of Cherokee freedmen. Evidently, it was intended to require something more than constructive residence. Under the new rule one, to entitle himself to enrollment as a Cherokee freedman, must show that he was actually not constructively residing in the nation August 11, 1866, or that he returned and established in person an actual residence within six months from that date or that he is a descendant of some person who had met these requirements. When this rule is applied to the applicants it seems clear that they can not be enrolled in spite of any equities they may have in the premises.

Nor are they saved by the qualifying clause. While they have met the condition of having made application they have

not been adjudged entitled to enrollment by the Secretary of the Interior.

I am of opinion, and so advise you, that the provision of the act approved April 26, 1906 prevents the enrollment of these applicants.

The papers are herewith.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved:

February 27, 1907.

E. A. Hitchcock,

Secretary.

R.C .12487

I.T.D.5464-1907 COPY SPECIAL RJH J.P.

LRS

DIRECT.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

February 28, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of February 27, 1907 approved the same day, in the matter of the application of Burrell Daniels et al., for enrollment as Cherokee freedmen.

In accordance with said opinion the application is denied.

The papers in the case have been transmitted to the Indian Office, with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

1 inc. and 11 incs.
for ind. Off.
A F We
3-1-07

Cherokee F.
R 308

COPY

Muskogee, Indian Territory, March 13, 1907.

Anderson Daniels,

Rogers, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Yourself and children as Cherokee freedmen, was denied, among others, by the Secretary of the Interior, February 28, 1907.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

JMK

Cherokee F.
R 40, et al.

COPY

Muskogee, Indian Territory, March 12, 1907.

William M. Graves,
Attorney for Burrell Randals, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Randals, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Encl.H-26
JMM

Cherokee F.
R 48, et al.

COPY

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Encl.H-26
JEH

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